

Panaji, 4th December, 2009 (Agrahayana 13, 1931)

SERIES II No. 36

OFFICIAL GAZETTE

GOVERNMENT OF GOA

PUBLISHED BY AUTHORITY

Note:- There is one Extraordinary issue to the Official Gazette, Series II No. 35 dated 26-11-2009 from pages 919 to 920 regarding Notifications from Department of Elections (Office of the Collector & District Election Officer, North Goa District) and Department of General Administration.

GOVERNMENT OF GOA

Department of Agriculture

Directorate of Agriculture

Order

No. 2/12/98-Agri/Part II/260

- Read: 1. Order No. 2/12/98-Agri/01 dated 4th January, 2008.
 2. Order No. 2/12/98-Agri/Part II/144 dated 7th May, 2008.
 2. Order No. 2/12/98-Agri/Part-II/181 dated 12th June, 2008.

In partial modification to the above stated orders, Government is pleased to appoint Shri Govind Ratnaker Parab as Director on the Board of Directors of Goa State Horticulture Corporation Limited in place of Shri Prakash Gaonkar in public interest, with immediate effect.

By order and in the name of the Governor of Goa.

S. S. P. Tendulkar, Director of Agriculture & ex officio Joint Secretary.

Tonca-Caranzalem, 19th November, 2009.

Department of Co-operation

Office of the Asstt. Registrar of Co-operative Societies

Order

No. 2/10/00-TS

- Read: 1) Show Cause Notice No. 2/10/00-TS dated 07-08-2009 issued to the

management of the Chowgule Sirgao Mines Staff Consumers Co-op. Society Ltd., Poirá, Bicholim-Goa by the Asstt. Registrar of Co-op. Societies, North Zone, Mapusa-Goa calling upon the Managing Committee of the aforesaid society to say their say regarding taking the society into liquidation.

Whereas, the Managing Committee of Chowgule Sirgao Mines Staff Consumers Co-op. Society Ltd., Poirá, Bicholim-Goa have been issued Show Cause Notice on 07-08-2009 to submit their say in terms of sub-section 2 of Section 92 of Goa Co-op. Societies Act, 2001 referred hereinabove at Sr. No. 1 as to why the affairs of the society should not be liquidated.

And whereas, the Chairman, Secretary and one of the Managing Committee member alongwith representative of the management of the Chowgule & Company Pvt. Ltd., Sirgao, Bicholim-Goa have remained present on 02-08-2009 at 4.30 p.m. to submit their say. They have expressed their views stating that the functioning of the said society has come to stand still and its mere existence will not serve any purpose to achieve any more objectives as laid down in its bye-laws and there is no hope of its revival as most of the members are not interested in the running the affairs of the society and has requested to take the society into liquidation.

And whereas the audit of the said society has been completed upto 31-03-2002 and has sustained loss to the tune of Rs. 20,209=21 during the period under audit. The financial position of the society has been deteriorated to such an extent that there is no possibility of its revival. Taking into consideration the above circumstances they have expressed its inability to manage the affairs of the society and opined that if the same condition is allowed to continue, the financial position of the society will be worsen further and there by

increasing losses to a great extent and hence the affairs of the society is to be wound up.

Therefore, I pass the following Order.

ORDER

By virtue of the powers vested in me under sub-section 2 of Section 92 of the Goa Co-op. Societies Act, 2001, I, V. B. Devidas, Asstt. Registrar of Co-op. Societies, North Zone, Mapusa-Goa hereby confirm the Show Cause Notice mentioned at Sr. No. 1 hereinabove and liquidated the affairs of the Chowgule Sirgao Mines Staff Consumers Co-op. Society Ltd., Poirá, Bicholim-Goa with immediate effect.

Further, in exercise of power vested in me under sub-section 1 of Section 93 of the Goa Co-op. Societies Act, 2001, I, V. B. Devidas, Asstt. Registrar of Co-op. Societies, North Zone, Mapusa-Goa hereby appoint Shri D. R. Kambli, Sr. Auditor Co-op. Societies, North Zone, Mapusa-Goa as a liquidator of the Chowgule Sirgao Mines Staff Consumers Co-op. Society Ltd., Poirá, Bicholim-Goa with immediate effect.

Sd/- (V. B. Devidas), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 15th October, 2009.

Notification

In exercise of the powers vested in me under Section 8(1) of the Goa Co-op. Societies Act, 2001, Anandi Apartments Co-op. Housing Maintenance Society Ltd., Alto-Duler, Mapusa, Bardez-Goa has been registered under code symbol No. GEN-13/NZ/Goa.

V. B. Devidas, Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 5th October, 2009.

Certificate of Registration

Anandi Apartments Co-op. Housing Maintenance Society Ltd., Alto-Duler, Mapusa, Bardez-Goa has been registered on 5-10-2009 and it bears registration code symbol No. GEN-13/NZ/Goa. It is classified as "Housing Maintenance Society" in terms of Rule 8 (1) (7) and sub-classified as "Co-operative Housing Maintenance Society" under sub-rule 7 (d) of Rule 8 (1) of the Goa Co-operative Societies Rules, 2003.

V. B. Devidas, Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 5th October, 2009.

Notification

In exercise of the powers vested in me under Section 8(1) of the Goa Co-op. Societies Act, 2001, Ashirwad Niwas Co-op. Housing Society Ltd., Alto-Torda, Salvador-do-Mundo, Porvorim, Bardez-Goa has been registered under code symbol No. HSG-(b)-306/NZ/Goa.

V. B. Devidas, Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 13th October, 2009.

Certificate of Registration

Ashirwad Niwas Co-op. Housing Society Ltd., Alto-Torda, Salvador-do-Mundo, Porvorim, Bardez-Goa has been registered on 13-10-2009 and it bears registration code symbol No. HSG-(b)-306/NZ/Goa. It is classified as "Housing Society" in terms of Rule 8 (1) (7) and sub-classified as "Co-partnership Housing Society" under sub-rule 7 (d) of Rule 8 (1) of the Goa Co-operative Societies Rules, 2003.

V. B. Devidas, Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 13th October, 2009.

Notification

No. 1/9/2009/AR(Dairy)/Gen

In exercise of the powers vested in me under sub-section (1) of Section 8 of the Goa Co-operative Societies Act, 2001, Omkar Mahila Mandal Co-op. Society Ltd., Kapileshwari, Kawle, Ponda-Goa is registered under code symbol No. GEN-(c)-1/AR(Dairy)/Goa.

D. B. Naik, Asstt. Registrar of Co-op. Societies (Dairy).

Ponda, 4th November, 2009.

Certificate of Registration

Omkar Mahila Mandal Co-op. Society Ltd., Kapileshwari, Kawle, Ponda-Goa has been registered on 4-11-2009 and it bears registration code symbol No. GEN-(c)-1/AR(Dairy)/Goa and it is classified as 'General Society' 'Other General Society' under sub-classification No. 12(c) of sub-Rule (1) of Rule 8 of the Goa Co-operative Societies Rules, 2003.

D. B. Naik, Asstt. Registrar of Co-op. Societies (Dairy).

Ponda, 4th November, 2009.

Order

No. 18/71/89/ARCS/SZ/Credit/1694

Read: (1) This office Registration No. 8-RES-(a)-24/South Goa/87 dated 4-12-1987.

(2) This office Interim Order No. 18-71-89/ARCS/SZ/Credit/743 dated 25th June, 2009, appointing Shri Suryakant D. Gawas, Jr. Auditor/Inspector, Co-op. Societies South Zone, Margao-Goa, as the Liquidator of the Ameeniyah High School Empls. Co-op. Credit Society Ltd., Baina, Vasco-Goa.

The Ameeniyah High School Empls. Co-op. Credit Society Ltd., Baina, Vasco-Goa, was registered on 04-12-1987 under the code symbol No. 8-RES-(a)-24/South Goa/87 dated 04-12-1987 with the main objects to inculcate the habit of thrift amongst its members and encourage them to save for the future and to prevent them from borrowing money at exorbitant rate of interest from money lenders and to give loans to the members at reasonable rates of interest to most of their unforeseen contingencies and mobilise savings.

And whereas, from the records resting with this office, it is observed that the functioning of the Society has come to standstill without any activities being undertaken as laid down in its bye-laws.

And whereas, it is observed that the society has not held its Annual General Body Meeting provided under Section 75 of the Act (now repealed) nor the Managing Committee meetings as required under the provisions of the bye-laws are also not being convened to look into the affairs of the society.

And whereas, vide letter dated 19-11-2007 received from the Jr. Auditor, of this office stating therein that during the course of audit for the period 2006-2007 it is observed that most of the members have resigned thus defeating the objects for which the society was organized and no purpose will be served by allowing the society to be continued. Further the Jr. Auditor has reported that most of the liabilities have been settled realizing the assets.

In view of above circumstances an Interim Order at Sr. No. 2, was issued calling upon the Society as to why it should not be taken in Liquidation and further Shri S. D. Gawas, Jr. Auditor/Inspector, Co-op. Societies, South Zone, Margao-Goa was appointed as Liquidator of said Society. However, the management has not

submitted explanation to the Interim order and hence I am satisfied that there is no objection for the Society to, be taken into Liquidation and hence following order is passed:

ORDER

By virtue of the powers vested in me under the provisions of sub-section 3 of the Section 92 of the Goa Co-op. Societies Act, 2001, I, P. M. Naik, Asstt. Registrar of Co-op. Societies, South Zone, Margao-Goa, hereby confirm the interim order at Sr. No. 2, above appointing thereby Shri Suryakant D. Gawas, Jr. Auditor/Inspector Co-op. Society, South Zone, Margao-Goa as the Liquidator of the Ameeniyah High School Empls. Co-op. Credit Society Ltd., Baina, Vasco-Goa with an immediate effect.

Sd/-, Asstt. Registrar of Co-op. Societies (South Zone)

Margao, 14th October, 2009.

Notification

No. 5-1241-2009/ARSZ/HSG

In exercise of the powers vested in me under Section 8 of the Goa Co-operative Societies Act, 2001, "The Pedro Jose Residency Co-op. Housing Society Limited" Ranvaddo, Betalbetim, Salcete-Goa is registered under code symbol No. HSG-(b)-737/South Goa/2009.

Sd/- (P. M. Naik), Asstt. Registrar of Co-op. Societies (South Zone).

Margao, 5th November, 2009.

Certificate of Registration

"The Pedro Jose Residency Co-op. Housing Society Limited" Ranvaddo, Betalbetim, Salcete-Goa is registered on 05-11-2009 under registration code symbol No. HSG-(b)-737/South Goa/2009 and it is classified as "Housing Society" under sub-classification No. 7-(b)-Co-Partnership Housing Society in terms of Rule 8 of the Goa Co-operative Societies Rules, 2003.

Sd/- (P. M. Naik), Asstt. Registrar of Co-op. Societies (South Zone).

Margao, 5th November, 2009.

Notification

No. 5-1242-2009/ARSZ/HSG

In exercise of the powers vested in me under Section 8 of the Goa Co-operative Societies Act,

2001, "The D'Sa Classic Co-operative Housing Society Limited" Chinchinim, Salcete-Goa is registered under code symbol No. HSG-(b)-738/South Goa/2009.

Sd/- (P. M. Naik), Asstt. Registrar of Co-op. Societies (South Zone).

Margao, 12th November, 2009.

Certificate of Registration

"The D'Sa Classic Co-operative Housing Society Limited" Chinchinim, Salcete-Goa is registered on 12-11-2009 under registration code symbol No. HSG-(b)-738/South Goa/2009 and it is classified as "Housing Society" under sub-classification No. 7-(b)-Co-Partnership Housing Society in terms of Rule 8 of the Goa Co-operative Societies Rules, 2003.

Sd/- (P. M. Naik), Asstt. Registrar of Co-op. Societies (South Zone).

Margao, 12th November, 2009.

Notification

No. 5-1240-2009/ARSZ/HSG

In exercise of the powers vested in me under Section 8 of the Goa Co-operative Societies Act, 2001, "The Holy Park Co-op. Housing Society Limited" Holy Park, Vanelim, Colva, Salcete-Goa is registered under code symbol No. HSG-(b)-736/South Goa/2009.

Sd/- (P. M. Naik), Asstt. Registrar of Co-op. Societies (South Zone).

Margao, 5th November, 2009.

Certificate of Registration

"The Holy Park Co-op. Housing Society Limited" Holy Park, Vanelim, Colva, Salcete-Goa is registered on 05-11-2009 under registration code symbol No. HSG-(b)-736/South Goa/2009 and it is classified as "Housing Society" under sub-classification No. 7-(b)-Co-Partnership Housing Society in terms of Rule 8 of the Goa Co-operative Societies Rules, 2003.

Sd/- (P. M. Naik), Asstt. Registrar of Co-op. Societies (South Zone).

Margao, 5th November, 2009.

Department of Education, Art & Culture

Directorate of Technical Education
College Section

Order

No. DTE/ADC/11/1/41/2007/Pt. I/2346

Read: 1) Memorandum No. DTE/ADC/11/1/43/2008/816 dated 20-06-2008.

2) Order No. DTE/ADC/11/1/43/2008/2647 dated 24-12-2008.

Dr. Namdev Yeshwantrao Gond was appointed as Assistant Professor in Pharmacognosy in Goa College of Pharmacy, Panaji vide referred order at (2) above. Further he was given extension twice for joining i.e. once upto 15-6-2009 and then upto 31-08-2009 as per his request. Dr. Gond in his letter dated 13-11-2009 has conveyed his inability to join the post of Assistant Professor of Pharmacognosy. Government is therefore pleased to withdraw his appointment order as at (2) above with immediate effect.

By order and in the name of the Governor of Goa.

Vivek B. Kamat, Director of Technical Education and ex officio Additional Secretary.

Porvorim, 19th November, 2009.

Department of Finance

Directorate of Accounts

Order

No. DA/Admn/45-3/09-10/93/TR-3371

Government is pleased to promote the following Accountants under Common Accounts Cadre to the post of Assistant Accounts Officers (Group 'B' Gazetted) in the scale of VIth Pay Commission PB— 2 (Rs. 9,300-34,800) with Grade Pay of Rs. 4,200/- purely on ad hoc basis with effect from 23-11-2009:

1. Shri R. B. Khanolkar.
2. Smt. Deepti Karekar.
3. Shri Govind Phadte.
4. Shri Dnyaneshwar U. Naik.
5. Shri Dattaram M. Naik.
6. Shri Govind R. Prabhu Gaonkar.
7. Shri Pedro T. Vaz (ST).
8. Shri Madhukar B. Kunkolienkar (ST).
9. Shri Eknath Palkar (ST).

Government is further pleased to order the posting of the following Assistant Accounts Officer under Common Accounts Cadre in the Departments shown against their names:

Sr. No.	Name of the Officer	Posted on promotion/ /transfer
1	2	3
1.	Shri R. B. Khanolkar	River & Navigation Department, Betim, Goa thereby relieving Shri Sadashiv Govekar, Dy. Director of Accounts of Additional duties.
2.	Smt. Deepti Karekar	Directorate of Accounts, Panaji, vice Shri Prakash Pawshe, AAO, transferred.
3.	Shri Govind Phadte	Directorate of Labour & Employment, Panaji, Goa thereby relieving Shri L. S. Mardolkar, Dy. Director of Accounts of Additional duties.
4.	Shri Dnyaneshwar U. Naik	Directorate of Accounts, Panaji, thereby relieving Shri Rajendra Gaude, AAO transferred.
5.	Shri Dattaram M. Naik	Directorate of Arts & Culture, Panaji, thereby relieving Shri Anil Kambli of Additional duties.
6.	Shri Govind R. Prabhu Gaonkar	Directorate of Tourism, Panaji thereby relieving Shri Vaman Naik, AAO of Additional duties.
7.	Shri Pedro T. Vaz (ST)	Captain of Ports, Panaji-Goa, vice Shri Jagannath Sawant, AAO transferred.
8.	Shri Madhukar B. Kunkolienkar (ST)	Goa State Aids Control Society, Panaji (on deputation) against vacant post.
9.	Shri Eknath Palkar (ST)	Directorate of Accounts, Panaji, against vacant post.

Further transfer and posting of following Assistant Accounts Officer is ordered as under:

Sr. No.	Name of the Officer	Dept. to be posted
1	2	3
1.	Shri Rajendra Gaude	Goa College of Architect, Altinho Panaji, vice Shri Shrikant Phaldessai, AAO transferred.
2.	Shri Prakash Pawshe	Directorate of Animal Husbandry & Veterinary Services, Panaji thereby relieving Shri Sakham Chari, AAO of additional duties.

1	2	3
3.	Shri Jagan-nath Sawant	Directorate of Accounts, Panaji.
4.	Shri Srikant Phaldessai	Directorate of Panchayat, Panaji thereby relieving Shri Alexander Rodrigues of additional duties.

Shri Madhukar B. Kunkolienkar, Assistant Accounts Officer posted on deputation in the Goa State Aids Control Society, Panaji (on deputation) shall be governed by the standard terms and conditions contained in deputation guidelines issued by the Government vide O.M. No. 13/4/74-PER dated 12-02-1999 and even No. dated 11-01-2007 as amended from time to time.

Further the Officers at Sr. Nos. 3, 6, 7, 8, & 9 shall continue to hold the additional charge of the post of Accountant they previously held till the time the regular Accountant are posted.

The ad hoc promotions in respect of the above Officers will be for a period of six months or till the posts are filled on regular basis whichever is earlier. These ad hoc promotions will not bestow on the Officers any claim for regular appointment/promotion and services rendered by them in the grade will not count for the purpose of seniority in the grade or for eligibility for promotion to the next higher grade.

On joining to their promotional post, the Officers shall send CTC/Joining Reports immediately to this Directorate.

By order and in the name of the Governor of Goa.

Pramod Y. Ramani, Joint Secretary.

Panaji, 23rd November, 2009.

Order

No. DA/Admn/45-6/2009-10/94/TR-3372

The Government is pleased to order the transfer and posting of the following Assistant Accounts Officers under Common Accounts Cadre as shown below with immediate effect on Administrative grounds:

Sr. No.	Name of the Officer	Present place of posting	Transferred and posted at
1	2	3	4
1.	Shri Ramdas Pednekar	O/o the Dy. Director, South Education Zone (South), Margao	Department of Information Technology, Porvorim.

1	2	3	4
2. Shri Ashok K. Sawant	Department of Information Technology, Porvorim	O/o the Dy. Director, South Education Zone (South), Margao.	

Wherever the transferees do not change their place of residence from old station to new, they will not be entitled for availing of joining time nor transfer TA as provided under CCS Rule.

The Transfer of Shri Ashok K. Sawant, Assistant Accounts Officer is as per his request and he is not entitled for any joining time and transfer T.A.

On joining their new assignments, the Officers shall send CTC/Joining Report to this Directorate immediately for records.

The Officer at Sr. No. 2 shall move first.

By order and in the name of the Governor of Goa.

Pramod Y. Ramani, Joint Secretary.

Panaji, 23rd November, 2009.

Department of Labour

Notification

No. 28/1/2009-LAB

The following Award passed by the Industrial Tribunal-cum-Labour Court-I, at Panaji-Goa, on 23-09-2009 in reference No. IT/41/95 is hereby published as required by Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

B. S. Kudalkar, Under Secretary (Labour).

Porvorim, 11th November, 2009.

IN THE INDUSTRIAL TRIBUNAL AND LABOUR COURT AT PANAJI

(Before Smt. Anuja Prabhudessai, Hon'ble
Presiding Officer)

Ref. IT/41/95

Shri Francisco Coutinho,
H. No. 25, Salkar Colony,
Vaddem, Vasco da Gama. ... Workman/Party I
V/s

M/s. Goa Shipyard Ltd.,
Vaddem,
Vasco da Gama, Goa. ... Employer/Party II
Party I/Workman represented by Adv., A. V. Nigalye.

Party II/Employer represented by Adv., P. J. Kamat.

AWARD

(Passed on this 23rd day of September, 2009)

1. By order dated 17-8-95, the Government of Goa, in exercise of powers conferred under clause (d) of sub-section (1) of Section 10 of the Act, 1947, has referred to this Industrial Tribunal the following dispute for adjudication—

- "1. Whether the action of the management of M/s. Goa Shipyard Ltd., Vaddem, Vasco da Gama, Goa, in dismissing the services of Shri Francisco Coutinho, with effect from 3-5-1994 is legal and justified?
2. If not, to what relief the workman is entitled?"

2. Pursuant to the reference IT/41/95 was registered. Notices were issued to both parties. The Party I filed his claim statement at Exb. 4 and the Party II filed its written statement at Exb. 5. The rejoinder of the Party I is at Exb. 6.

3. The Party I was an employee of the Party II. He was also a committee member of Shipyard Employees Union. The Party II had alleged that on 11-7-91, the Party I unauthorisedly entered the yard and that at about 10.35 a.m. he alongwith others entered into the electric workshop without authorization, gheraod Mr. Prakash Naik, grabbed his personal belongings and threatened to kill him. It is alleged that on 16-7-91 at 10.00 a.m., the Party I left the place of work without permission of the Officer-in-Charge and went in front of the Security Office alongwith Prasad Phadke and a large number of workers. It was alleged that the Party I alongwith Prasad Phadke assaulted Mr. Avinash Volvoikar by causing him grievous injuries, which resulted in his death. It was further alleged that on the same day in the afternoon, the Party I entered the Shipyard and unauthorisedly occupied the company's ambulance and attempted to leave the premises. The Party I was issued suspension order and subsequently, he was charge sheeted for the above acts, which constitute misconduct under clause 29 items (ii), (xi), (xii), (xxiv), (xxviii), (xxxii) and (xxxvii) of certified standing orders of the company.

4. Shri Ulhas Raikar was appointed as the Inquiry Officer to enquire into the charges levelled

against the Party I. The Inquiry Officer conducted the enquiry and submitted his report on 29-10-93 wherein the Party I was held guilty of the charges levelled. The competent authority considered the report and proposed to dismiss the Party I from service of the company and accordingly, issued show cause notice dated 10-1-1994. The Party I filed his explanation dated 7-2-94. Not being satisfied with the explanation the Party II terminated the services of the Party I w.e.f 3-5-94.

5. The Party I has alleged that he was an active member of the trade union under the leadership of P. V. Dias, being the president of the said union. The union had levelled serious allegations of corruption and security threats to the country by the management because of which the management had tried to replace the union leadership of their choice. However, in the general elections, much to the dislike of the management, the leadership of the union was retained by P. V. Dias and his panel; hence the management sponsored a reign of terror within the Goa Shipyard workplace. There was absolute breakdown of law and order situation inside the yard which culminated into a violent attack by a mob led by Shri Cyril Fernandes on the workmen as well as on the union leaders which led to the tragic death of Shri Avinash Volvoikar. The Party I has denied that he was involved in causing injuries to Avinash Volvoikar. The Party I has stated that instead of punishing the real culprits, the management has implicated him in the said incident. The Party I has stated that no attempts were made to serve the charge sheet or suspension order on him and that the same were published in the local newspapers with an intention of demoralizing and defaming him. The Party I has stated that the enquiry proceedings were an empty formality conducted with sole purpose of justifying the predetermined punishment of dismissal.

6. The Party I has further stated that the Inquiry Officer was biased right from the start and acted only at the dictates of the management. He has stated that he was not given reasonable opportunity to defend himself. Copies of the complaint, which formed the basis of the charge sheet, were not furnished to him and that he was denied opportunity to lead evidence and advance submission on the evidence on record. The Party I has stated that the findings of the Inquiry Officer are based on wrong appreciation of evidence and that he was a victim of unfair labour practice.

7. The Party I has further stated that his representation to the second show cause notice was rejected without any reasons. The Party I has

stated that at the instigations of Shri Cyril Fernandes, he was falsely implicated in sessions case No. 27/92 for committing offence 143, 147, 148, 504, 506 and 302 read with 149 of IPC. The Party I has stated that he has been acquitted by the Session Court vide judgment dated 3-2-01 and that in the said judgment, the Court has accepted the possibility of the Party I being falsely implicated so as to further the prospects of Cyril Fernandes to become the President of the Union with active support of the management. The Party I has prayed for reinstatement, with continuity in service and all consequential benefits.

8. The Party II has stated that the Party I had committed grave and serious acts of misconduct for which he was issued a charge sheet dated 31-7-91. The enquiry was conducted against him in respect of the said charges. The Party I had fully participated in the enquiry through his advocate and he was given every opportunity to defend himself. The Party II has denied that the Inquiry Officer did not allow the Party I to lead his evidence. The Party II has stated that despite the orders of the Inquiry Officer, the Party I avoided examining himself and stated that unless the defence witness is summoned and examined first, he is unable to take steps in his defence. It was under these circumstances that the Inquiry Officer had to close the enquiry. The Party II had also denied that the Inquiry Officer was biased in favour of the management. The Party II further stated that the enquiry is fair and just. The Party II has stated that the Inquiry Officer has held the Party I guilty of the misconduct and considering the gravity of misconduct and the past records and after taking into consideration the reply given by the Party I to the show cause notice, he was dismissed from service. The Party II has denied that the Party I was implicated falsely in Session Case No. 27/92 at the instance of Cyril Fernandes. The Party II has denied that the Party I is entitled to be reinstated with back wages.

9. Based on the aforesaid pleadings, the following issues were framed:

1. Whether the Party I proves that the domestic enquiry held against him is not fair, proper and impartial?
2. Whether the charges of misconduct levelled against the Party I are proved to the satisfaction of the Tribunal by acceptable evidence?
3. Whether the Party I proves that his dismissal from service by the Party II is by way of unfair labour practice and discrimination?

4. Whether the Party I proves that the action of the Party II in dismissing him from service w.e.f. 3-5-94 is illegal and unjustified?

5. Whether the Party I is entitled to any relief?

6. What Award?

10. Issues No. 1 and 2 were treated as preliminary issues. Parties had adduced evidence on preliminary issues. Findings on issue No. 1 were given vide order dated 10-6-08 wherein the enquiry against the Party I is held to be fair and proper. Findings on issue No. 2 were given vide order dated 26-6-09 wherein the charges levelled against the Party I are held to be proved to the satisfaction of the Tribunal. Thereafter both parties were called upon to adduce evidence on issues No. 3 and 4. By application dated 13-7-09 (Exb. 25), the Party I stated that he does not wish to adduce evidence on the remaining issues and that he would rely on the material on record. The Party II has also not adduced evidence on the remaining issues i.e. issues No. 3 and 4.

11. Learned advocate, Shri Nigalye has argued on behalf of the Party I. Learned advocate, Shri Nigalye has argued that the records do not indicate that the act allegedly committed by the Party I were premeditated but indicates that the alleged acts were committed in a sudden spur of the moment. Learned advocate, Shri Nigalye has also argued that the past records of the Party I are blemishing. Learned advocate, Shri Nigalye has argued that the management has not considered all these aspects while imposing the penalty. Learned advocate, Shri Nigalye therefore claims that the penalty imposed on the Party I is not just and legal.

12. Learned advocate, Shri P. J. Kamat has argued that the acts of misconduct committed by the Party I are of grave and serious nature, which had resulted in death of one of the co-workers and the punishment of dismissal is commensurate with nature of the charge. He has relied upon the judgments of the Apex Court in

1. *Hombe Gowda Education Trust and another v/s State of Karnataka and others reported in 2006 I CLR 280.*
2. *Employers Management West Bokaro Colliery of Tisco Ltd., v/s Concerned workman Ram Pravesh Singh 2008 II CLR 220.*
3. *Chairman and M. D. V. S. P. and others v/s Goparaju, Shri Prabhakaran Hari Babu 2008 (III) FLR 377.*

4. *The Judgment of the Bombay High Court in the case of Usha M-Mahadik v/s Parle Products Ltd., and another 2006 II CLR 372.*

13. I have perused the records and considered the arguments advanced by the respective parties and my findings on issues No. 3, 4 and 5 are as under:

Issue Nos. 3 & 4: In the instant case, the charges against the Party I are that 1) On 11-7-91, he unauthorisedly entered the yard and again at 10.30 a.m. he unauthorisedly entered the electronic workshop alongwith others, gheraod Shri Prakash Naik, grabbed his personal belongings and threatened to kill him. 2) On 16-7-91, at about 10.00 hours, he left the place of his work without the permission of his Officer-in-Charge and came infront of the Security Office alongwith Shri Prasad Phadke, E. No. 1232 and a large number of other workers. 3) He alongwith others, assaulted Shri Avinash Volvoikar Shipyard and later, E. No. 1329, held him down and jammed the pointed end of a umbrella into his right eye causing grievous injury which resulted in his death at G.M.C. 4) On the same afternoon, the Party I clandestinely entered the shipyard and later unauthorisedly occupied the company ambulance and attempted to leave the premises while leaving the premises a suspension order was sought to be served on Party I but he refused to accept the same.

14. The Inquiry Officer had held that the charge No. 1 is not proved but had held the Party I guilty of other acts which constitute misconduct under clause 29(II), (XI), (XII), (XXIV), (XXVIII) and 29(XXXVII) of the Certified Standing Orders of the Company. The said charges are also held to be proved to the satisfaction of the Tribunal.

15. The Party I has claimed that the punishment imposed on him is by way of unfair labour practice and discrimination. It may be mentioned here that termination of service does not by itself constitute an act of unfair labour practice. In order to prove unfair labour practice the Party I had to prove that the termination was actuated by malafide, victimization or that the Party II had committed an act enumerated in the fifth schedule. Needless to state that the Party I has not adduced any evidence to prove that the Party II had resorted to unfair labour practice or to prove that he had been unfairly discriminated against. Hence, the grievance about unfair labour practice and discrimination is unfounded and is hereby rejected.

16. As regards the quantum of punishment, it is not in dispute that u/s 11A of the Industrial

Disputes Act, 1947, the Tribunal or the Labour Court, as the case may be, has ample powers to decide the question relating to quantum of punishment. However, as reiterated by the Apex Court in the case of *V. P. Gadhe & others v/s G. M. Guarat Ambuja Cement Pvt. Ltd.*, reported in AIR 2008 SC 99 “the power u/s 11A has to be exercised judiciously and the Industrial Tribunal or the Labour Court as the case may be is expected to interfere with the decision of the management u/s 11A of the Act only when it is satisfied that punishment imposed by the management is wholly and shockingly disproportionate to the degree of guilty of the workman concerned. To support its conclusion the Industrial Tribunal or the Labour Court as the case may be, has to give reasons in support of its decision. The power has to be exercised judiciously and mere use of words ‘disproportionate’ or ‘grossly disproportionate’ by itself will not be sufficient. In recent times, there is an increasing evidence of this, perhaps well-meant but wholly unsustainable, tendency towards a denudation of the legitimacy of judicial reasoning and process. The reliefs granted by the Courts must be seen to be logical and tenable within the framework of the law and should not incur and justify the criticism that the jurisdiction of the Courts tends to degenerate into misplaced sympathy, generosity and private benevolence. It is essential to maintain the integrity of legal reasoning and the legitimacy of the conclusions. They must emanate logically from the legal findings and the judicial results must be seen to be principled and supportable on those findings. Expansive judicial mood of mistaken and misplaced compassion at the expense of the legitimacy of the process will eventually lead to mutually irreconcilable situations and denude the judicial process of its dignity, authority, predictability and respectability. [See: *Kerala Solvent Extractions Ltd., v. A. Unnikrishnan and Anr.* (1994 (1) SCALE 631)]. Though under Section 11-A, the Tribunal has the power to reduce the quantum of punishment, it has to be done within the parameters of law. Possession of power is itself not sufficient; it has to be exercised in accordance with law. These aspects were highlighted in *Life Insurance Corporation of India v. R. Dhandapani* (AIR 2006 SC 615). Power and discretion conferred under the Section needless to say have to be exercised judicially and judiciously. The Court exercising such power and finding the misconduct to have been proved has to first advert to the question of necessity or

desirability to interfere with the punishment imposed and if the employer does not justify the same on the circumstances, thereafter to consider the relief that can be granted. There must be compelling reason to vary the punishment and it should not be done in a casual manner.”

17. In the instant case, the acts of misconduct which are held to be proved are:

- a) Instigating and acting in furtherance thereof resulting in paralyzing the normal work of the company.
- b) Riotous disorderly, indecent, or improper behaviour on the premises of the establishment.
- c) Commission of act subversive of discipline or good behaviour on the premises of the establishment.
- d) Refusal to accept order from the management served in accordance with the standing order.
- e) Not working during office hours.
- f) Assault and intimidation within the premises directly affecting the discipline and work.

18. In the case of the *Management of Tournamulla Estate v/s Workmen* (1973) 2 SCC 502, the Apex Court has held that if the workman is guilty of a serious misconduct such as acts of violence against the management or disorderly behaviour in or near the place of employment, which though not directly causing damage, is conducive to grave indiscipline and such grave misconduct calls for stringent punishment.

19. In the instant case the riotous disorderly behaviour and the act of assault has resulted in a death of a co-worker by name Avinash Volvoikar. The charges proved against the Party I are serious and grave and warrant stringent punishment. The fact that the past records of the Party I are clean or that the incident had occurred on the spur of the moment cannot be considered as a mitigating circumstance. Considering the nature and gravity of the charge, the penalty imposed on the Party I cannot be said to be shockingly disproportionate or unjust. Reliance is also place on the judgments of the Apex Court in the case of *Employers Management M. Colliery, BCCI Ltd., v/s Bihar Colliery Kamgar Union through Workmen* 2005 (3) SCC 331, *Management of West Bokaro Colliery of M/s. Tisco v/s concerned workman Ram Pravesh Singh* 2008 II CLR 220 and the judgment

of the Bombay High Court in the case of *Usha M. Mahadik v/s Parle products Ltd., and another 2006 II CLR 372*.

Under the circumstances, and in view of discussion supra, the Party I has failed to prove that the Party II had resorted to unfair labour practice, penalty imposed is discriminatory, illegal or unjustified. Hence issues No. 3 and 4 are answered in the negative.

20. *Issue No. 5:* The Party I has failed to prove that the termination is illegal or unjustified. This being the case, the Party I is not entitled for any relief. Hence, I pass the following order.

ORDER

It is hereby held that the action of the management of M/s. Goa Shipyard Ltd., Vaddem, Vasco da Gama, Goa in dismissing the services of Shri Francisco Coutinho with effect from 3-5-94 is legal and justified. The Party I is not entitled for any relief.

No order as to costs. Inform the Government accordingly.

Sd/-

(Anuja Prabhudessai),
Presiding Officer,
Industrial Tribunal
& Labour Court.

Notification

No. 28/1/2009-LAB

The following award passed by the Industrial Tribunal-cum-Labour Court-I, at Panaji-Goa, on 18-08-2009 in reference No. IT/48/96 is hereby published as required by Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

B. S. Kudalkar, Under Secretary (Labour).

Porvorim, 15th October, 2009.

IN THE INDUSTRIAL TRIBUNAL-
-CUM-LABOUR COURT
AT PANAJI

(Before Smt. Anuja Prabhudessai, Hon'ble
Presiding Officer)

Ref. No. IT/48/96

Smt. Shoba D. Dessai,
L-B-10, Flat,
Housing Board Colony,
Porvorim,
Bardez-Goa.

... Workman/Party I

V/s

The Dean,
Goa Medical College,
Panaji-Goa.

... Employer/Party II

Workman/Party I – Adv., Shri D. P. Bhise.

Employer/Party II – Adv., Shri G. D. Kirtani.

AWARD

(Passed on this 18th day of August, 2009)

1. By order dated 26-09-1996, the Government of Goa in exercise of powers conferred under Section 10(1)(d) of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) has referred the following dispute for adjudication by this Tribunal.

“(1) Whether the action of the Goa Medical College, Panaji-Goa, in terminating the services of Smt. Shobha D. Dessai, Auxiliary Nurse/Midwife, with effect from 6-01-1989 was legal and justified?

(2) If not, to what relief Smt. Shobha D. Dessai is entitled to?”

2. The Party I was employed in GMC as an Auxiliary Nurse/Midwife since 1979. The Party I has stated that sometime in the year 1987, she suffered an attack of spinal canal sterosis and was forced to proceed on leave. The Party I has stated that she was sanctioned leave upto 22-04-1988. The Party I has stated that since she had not recovered from her sickness and was under medical treatment she submitted application for further extension of leave from 23-04-1988 to 9-01-1989. The Party I has stated that the Party II did not consider the leave application and by order dated 6-01-1989, the Party II terminated her services, by taking recourse to Rule 5(1) of CCS (temporary service).

3. The Party I has stated that the Party II had not initiated disciplinary proceedings before imposing a major penalty. The Party I has stated that the Party II has resorted to unfair labour practice. The Party I has stated that the termination is neither legal nor justified. The Party I has therefore sought reinstatement in service with back wages and consequential benefits.

4. The Party II has stated that the Party I was appointed as Auxiliary Nurse/Midwife purely on temporary basis. The Party II has stated that the

Party I was irregular in attendance. The Party II has stated that the Party I failed to report for her duties on expiry of the leave period i.e. on 23-04-1988. By telegram dated 5-05-1988, the Party II directed the Party I to report for duties immediately. Despite which the Party I remained absent unauthorisedly and submitted applications for extension of leave till 31-07-1988. Hence, the Party II issued memo dated 18-10-1988 whereby the Party I was called upon to resume duties immediately and to show cause why disciplinary action should not be taken against her. The Party I did not comply with the directions given in the memo and instead sent another application for extension of leave for 40 days.

5. The Party II has stated that by order dated 1-02-1988, the Party I was transferred from Panjim Hospital to Rural Health Center, Mandur. The Party II has stated that the Party I had remained unauthorisedly absent to avoid the transfer order. The Party II has stated since the Party I had remained unauthorisedly absent for more than 10 months; it had no other alternative but to terminate her service under Rule 5(1) of CCS (Temporary Service) Rules, 1965. Hence, the Party I was served with notice of termination dated 1-12-1988 and subsequently vide order dated 6-01-1989, the services of the Party I were terminated w.e.f. 6-01-1989 (A.N.). The Party II has claimed that the termination of the Party I is legal and that the Party I is not entitled for any relief.

6. Based on the aforesaid pleadings, the following issues were framed:

1. Whether the Party I proves that termination of her services by the Party II is an act of unfair labour practice?
2. Whether the Party I proves that the action of the Party II in terminating her service w.e.f. 6-01-1989 is illegal and unjustified?
3. Whether the Party II proves that services of the Party I were terminated as per Rule 5(1) of the CCS (Temporary Service) Rules, 1965 for remaining absent unauthorisedly for more than 10 months?
4. Whether the Party I is entitled to any relief?
5. What Award?

7. Both parties have adduced evidence. Lnd. Adv., Shri Bhise has filed written arguments on behalf of the Party I and Lnd. Adv., Shri Kirtani has filed written arguments on behalf of the Party II. I have perused the records and considered the arguments advanced by the respective advocates and my findings on the aforesaid issues are as under.

8. *Issued No. 1:* The Party I had averred that termination of her service amounts to an act of unfair labour practice. It may be mentioned that termination of service does not by itself constitute an act of unfair labour practice. In order to prove unfair practice, the Party I has to prove that the termination was actuated by malafide, victimization or that it was a result of unfair practice as specified in the Fifth Schedule. In the instant case, the Party I has not adduced any such evidence and in the absence of such evidence it cannot be inferred that the Party II has indulged in unfair practice. Consequently the Party I has failed to prove that the Party II has practiced unfair labour practices. Hence, the issue No. 1 is answered in the negative.

9. *Issue Nos. 2 & 3:* These issues are taken together for discussion since they are interrelated. Lnd. Adv., Shri Bhise has argued that the Party I had rendered services for more than nine years. He has argued that the absence of the Party I was due to the sickness and that she had applied for leave/extension of leave from time to time. He has argued that in case there was any doubt about the sickness of the Party I, the Party II was required to send the Party I for second medical opinion and take a decision regarding sickness of the Party I and accordingly grant or reject the leave. Lnd. Adv., Shri Bhise has argued that the Party II had not sent the Party I for medical examination but had terminated the services of the Party I without an inquiry by taking recourse to Rule 5(1) of CCS (Temporary Service) Rules, 1965. Lnd. Adv., Shri Bhise has argued that the termination is not simplicitor but penal in nature and as such recourse to Rule 5(1) is arbitrary, illegal and unjustified.

10. Lnd. Adv., Shri Kirtani has argued that the appointment of the Party I was on temporary basis. He has argued that the Party I was irregular in attending her duties and had remained unauthorisedly absent almost for a period of ten months. Hence, the Party I was served with memo dated 18-10-1988. Lnd. Adv., Shri Kirtani has argued that the Party I had remained absent unauthorisedly and had applied for leave only after she was transferred and posted to Rural Health Center, Mandur. The Party I had not offered any explanation for her unauthorised absence and hence her services were terminated under Rule 5(1) of CCS (Temporary Service) Rules, 1965. Lnd. Adv., Shri Kirtani has argued that in terms of Rule 5(1) all that the Party II was required to do was to issue a notice to the Party I and that the Party II has complied with this precondition. Lnd. Adv., Shri Kirtani has argued that the Party I

remained absent even though her leave was not sanctioned and she was asked to join duty. He therefore claims that the termination of the Party I was fully justified.

11. It is not in dispute that the Party I was employed in the G.M.C., as an Auxiliary Nurse/ Midwife since 1979. The medical certificate dated 7-04-1988 (Exb. W-3 colly) which was issued by the Asstt. Professor of Neurosurgery, GMC, indicates that the Party I was suffering from P.I.V.D. (Prolapsed Intervertebral Disc). The Party I was sanctioned leave till 22-04-1988 on the ground of sickness. The Party I had not reported for duty w.e.f. 23-04-1988 but had applied for extension of leave w.e.f. 23-04-1988 to 31-05-1988. By telegram dated 5-05-1988 (Exb. E-3) the Party I was informed that the leave was not granted and the Party I was called upon to report for duties immediately. The Party I did not report for duties but applied for commuted leave for 61 days w.e.f. 1-06-1988 to 31-07-1988. By application dated 20-09-1999 (Exb. E-11) the Party I had sought commuted leave from 1-08-1988 to 19-09-1988. By application dated 30-10-1988 at Exb. E-10 colly the Party I had applied for commuted leave w.e.f. 20-09-1988 to 29-10-1988. By memo dated 18-10-1988 (Exb. E-4 colly) the Party I was informed that unauthorised absence beyond the period of sanctioned leave is violative of conduct rules and that such conduct is unbecoming of a Government servant. The Party II was directed to report for duties immediately and was also called upon to show-cause why disciplinary action for major penalty should not be taken for violating conduct rules and acting in a manner unbecoming of a Government Servant. It is not in dispute that the Party II had not initiated any disciplinary action against the Party I but had issued notice of termination dated 1-12-1988 under Rule 5(1) of CCS (Temporary Service) Rules, 1965. By order dated 6-01-1989 the services of the Party I were terminated w.e.f. 6-01-1989, in accordance with provisions of Rule 5(1) of CCS (Temporary Service) Rules, 1965. The termination order reads as under:

"The temporary services of Smt. Shobha D. Dessai, A.N.M., of Goa Medical College, Panaji, stand terminated with effect from January 6, 1989 (A.N.) i.e., on expiry of one month of notice period in accordance with the provisions of Rule 5(1) of the CCS (Temporary Service) Rules, 1965."

12. A bare perusal of the order indicates that the order of termination is innocuous and does not apparently cast a stigma on the Party I. However, the written statement filed by the

Party II discloses that the services of the Party I were terminated for unauthorised absence. Smt. Cecilia Joy Pereira, who was authorised to depose on behalf of the Party II vide authority letter at Exb. E-2 has admitted in her cross-examination that the services of the Party I were terminated for misconduct i.e. for continuous unauthorised absence. It is therefore evidence that the order of termination was punitive and not one of the termination simplicitor.

13. Under the circumstances, the short question which falls for determination is whether the services of the Party I could be terminated without holding an inquiry. The legal position on this issue is well settled. In the case of *Nar Singh Pal v/s. Union of India and ors reported in 2000 (3) SCC 588*, the Apex Court has reiterated that once an employee attains the 'temporary' status he becomes entitled to the certain benefits one of which is that he becomes entitled to the constitutional protection envisaged by article 311 of the Constitution and that their services cannot be terminated in a punitive manner without holding an enquiry/complying with the principles of natural justice. It is further held that if an order had been passed by way of punishment and was punitive in nature, it was the duty of the respondent (employer) to hold a regular departmental enquiry. It was further held that an order of dismissal passed without holding a regular enquiry cannot be sustained.

14. In the case of *A. P. State Fed. of Company Operative Spinning Mills Ltd., v/s P. V. Swaminathan reported in 2001 (4) Supreme 215*, the Apex Court has held that "the legal position is fairly well settled that an order of termination of a temporary employee or probationer or even a tenure employee, simplicitor without casting any stigma may not be interfered with by court. But the court is not debarred from looking to the attendant circumstances, namely, the circumstances prior to the issuance of order of termination to find out whether the alleged inefficiency really was the motive for the order of termination or formed the foundation for the same order. If the court comes to a conclusion that the order was, in fact, the motive, then obviously the order would not be interfered with, but if the court comes to a conclusion that the so called inefficiency was the real foundation for passing of order of termination, then obviously such an order would be held to be penal in nature and must be interfered with since the appropriate procedure has not been followed."

15. In the present case, the services of the Party I were terminated after over ten years of service by taking recourse to Rule 5(1) of Central Civil Services (Temporary Service) Rules, 1965. This Rule is applicable only in the case of termination simpliciter and not as punitive order of termination. In the present case, though the order of termination is couched in an innocuous language, the pleadings in the written statement as well as the evidence of Smt. Cecilia Joy Pereira clearly indicates that the services of the Party I were terminated on account of the alleged misconduct viz. unauthorised absence for ten months. It is therefore evident that the order of termination was punitive in nature and such order could not have been passed without an inquiry. Consequently the Party II was not justified in terminating the services of the Party I by invoking provisions of Rule 5(1) of CCS (Temporary Service) Rules, 1965.

16. As regards the consequences of such order, it is well settled that the workman is not entitled for direct reinstatement merely because she was dismissed without an inquiry. In the case of *Fire Stone Rubber Company v/s Management* 1973(1) LLJ 78, the Apex Court has held as follow: "Even if no enquiry has been held by an employer or if the enquiry held by him is found to be defective, the Tribunal in order to satisfy itself about the legality and validity of the order, had to give an opportunity to the employer and employee to adduce evidence before it. It is open to the employer to adduce evidence for the first time justifying his action, and it is open to the employee to adduce evidence contra. The effect of an employer not holding an enquiry is that the Tribunal would not have to consider only whether there was a prima facie case. On the other hand, the issue about the merits of the impugned order of dismissal or discharge is at large before the Tribunal and the latter, on the evidence adduced before it, has to decide for itself whether the misconduct alleged is proved. In such cases, the point about the exercise of managerial functions does not arise at all. A case of defective enquiry stands on the same footing as no enquiry.

The Tribunal gets jurisdiction to consider the evidence placed before it for the first time in justification of the action taken only, if no enquiry has been held or after the enquiry conducted by an employer is found to be defective.

It has never been recognised that the Tribunal should straightaway, without anything more, direct reinstatement of a dismissed or discharged

employee, once it is found that no domestic enquiry has been held or the said enquiry is found to be defective.

As employer, who wants to avail himself of the opportunity of adducing evidence for the first time before the Tribunal to justify his action, should ask for it at the appropriate stage. If such an opportunity is asked for, the Tribunal has no power to refuse. The giving an opportunity to an employer to adduce evidence for the first time before the Tribunal is in the interest of both the management and the employee and to enable the Tribunal itself to be satisfied about the alleged misconduct.

Once the misconduct is proved either in the enquiry conducted by an employer or by the evidence placed before a Tribunal for the first time, punishment imposed cannot be interfered with the Tribunal except in cases where the punishment is so harsh as to suggest victimization." These principles are reiterated by the Apex Court in the case of *United Bank of India v/s Tamil Nadu Banks Deposit Collectors Union and anr.* Reported in AIR 2008 SC 642.

17. It may be mentioned that in the instant case, the Party II had neither pleaded nor made any request for adducing additional evidence to justify the action taken against the Party I. The records also do not indicate that the Tribunal had expressly permitted or specifically asked the Party II to adduce evidence in support of the charges levelled against the Party I. Nonetheless, the Party II had adduced evidence before the Tribunal to prove the charges and to justify the action taken against the Party I. The Party I had not objected for recording of this evidence and had infact substantially cross-examined the witness on the additional evidence. Having impliedly permitted the Party II to adduce evidence in proof of the charges, the said evidence cannot be brushed aside on the ground that the Party II had not sought permission to adduce such evidence.

18. In this regard it is advantageous to refer to the case of *Desh Raj Gupta v/s Industrial Tribunal IV U. P. Lucknow* reported in 1991 (1) SSC 249. In this case the Tribunal had held that the inquiry was vitiated on account of violation of principles of natural justice. The Tribunal had asked the Management to adduce evidence to justify the dismissal on merits, even though there was neither any pleading nor any request made by the Management to adduce such evidence. Relying upon the decision in *Chakravarty's case* (AIR 1979 SC 1652), it was contended before the Apex Court that after recording its conclusion that the

domestic inquiry was vitiated, the Tribunal was under the duty of announcing its award in favour of the workmen and in absence of any pleadings and prayer to adduce additional evidence, the Tribunal did not have the power to call upon the employer to do so. The Apex Court held that "The judgment relied upon does not support the proposition formulated before us that in absence of a prayer the Tribunal is debarred from reminding the employer of his right to adduce additional evidence to substantiate the charges. We do not find any valid ground for accepting the stand of the appellant taken before us. The entire argument of the learned counsel is founded on the decision of this Court in Chakravarti's case (AIR 1979 SC 1652) which is clearly distinguishable. As has been stated earlier, in that case the Court was not called upon to consider the point as urged before us and the judgment repeatedly made it clear that what was under consideration was whether a duty has been cast in law on the Labour Court or the Tribunal to afford an opportunity to the employer in absence of a request and the question was answered in negative leading to the conclusion that,

"if there is no such obligatory duty in law failure to give any such opportunity cannot and would not vitiate the proceedings."

Analysing the situation, it appears that by asking the respondent to justify the punishment by adducing additional evidence, the Tribunal merely reminded the employer of his rights and the employer promptly availed of the opportunity. We do not find any illegality in the course adopted which could vitiate the Award."

19. The principles laid down in the aforesaid decision are squarely applicable to the facts of the present case. As stated earlier, the Party II was permitted to adduce evidence to prove the charges levelled against the Party I and this evidence cannot be brushed aside on the ground that the Party II had not pleaded and prayed for such permission. Hence, the crucial points falling for my determination are whether the evidence adduced by the Party II before the Tribunal proves that the Party I is guilty of misconduct and whether the action taken against the Party I is just and proper.

20. The evidence on record indicates that the service of the Party I was terminated because of unauthorised absence. The pleadings in the written statement indicate that the Party I had remained unauthorisedly absent for a period of ten

months w.e.f. 8-04-1988. In this regard MW1, Smt. Cecelia Joy Pereira has deposed that the Party I was irregular in attending her duties. She has deposed that the Party I used to remain absent and thereafter submit application to regularize her absence. The evidence of this witness viz-a-viz the leave application/records at Exb. E-8 colly and leave memo at Exb. E-9 indicate that the Party I was granted commuted leave w.e.f. 5-02-1988 to 11-02-1988 earned leave for 41 days w.e.f. 12-02-1988 to 23-03-1988 and commuted leave for 15 days w.e.f. 24-03-1988 to 7-04-1988 on the ground of sickness. The evidence of MW1, Smt. Cecelia indicates that the Party I had not resumed her duties on expiry of the leave period but had applied for extension of commuted leave w.e.f. 8-04-1988 till 20-04-1988 and two days earned leave from 21st to 22nd April, 1988. The Party I had applied for further extension of earned leave from 23-04-1988 to 31-05-1988. These leave applications are at Exb. W-3 colly. MW1, Smt. Cecelia has deposed that great inconvenience was caused to the smooth running of the institution on account of continuous absence of the Party I. Hence, by telegram dated 5-05-1988 (Exb. E-3) the Party I was informed that her leave was not granted and she was called upon to report for duties immediately. MW1, Smt. Cecelia has deposed that inspite of the receipt of the telegram, the Party I did not report for duty and applied for further commuted leave from 1-06-1988 to 31-07-1988, 1-08-1988 to 19-09-1988 and 20-09-1988 to 29-10-1988. MW1, Smt. Cecelia has deposed that the Party I was sanctioned leave from 5th February to 7th April and that she was not sanctioned leave from 8th April till 29-10-1988. MW1, Smt. Cecelia has deposed that the Party I was served with transfer order dated 1-02-1988 (Exb. E-6) whereby she was transferred from Panaji Hospital to Rural Health Center Mandur. She was relieved from Panaji Hospital w.e.f. 5-02-1988 vide relieving order dated 5-02-1988 (Exb. E-7). This witness has deposed that the Party I had deliberately remained absent because of her transfer to Rural Health Center.

21. The evidence of MW1, Smt. Cecelia viz-a-viz leave applications at Exb. E-8 colly and leave memo at Exb. E-9 indicates that the Party I was sanctioned commuted/earned leave from 5th February, 1988 to 7th April, 1988. The leave applied by the Party I for the period from 8th April to 29th October, 1988 was not sanctioned. The Party I has claimed that she was sick during this period and that her leave was not sanctioned only to victimize her. The records indicate that even before the

expiry of the leave, the Party I had applied for extension of leave w.e.f. 8-04-1988 to 22-04-1988 and the said application was accompanied by the certificate issued by Dr. V. N. Jindal, Asstt. Professor of Neurosurgery, G.M.C., wherein it was certified that the Party I was suffering from P.I.V.D. The doctor had recommended rest for a period of 15 days w.e.f. 8-04-1988. It is true that mere filing application or production of medical certificate does not in itself confer upon the Government servant the right to leave and the Government servant has to await the orders of the competent authority. Nonetheless the records indicate that the Party II had neither disputed the genuineness of the said medical certificate nor rejected the leave application. It is also pertinent to note that an endorsement was made on the said leave application that the Party I had only 26 days HPL and 59 days earned leave to her credit and that she should be asked to apply for leave accordingly. It appears that pursuant to this endorsement, the Party I had curtailed the commuted leave to 13 days w.e.f. 8-04-1988 to 20-04-1988 and had applied for two days earned leave w.e.f. 23-4-1988 to 22-4-1988 on the ground of sickness. As stated earlier the Party II had not disputed the medical certificate issued by Dr. Jindal. This certificate proves that the Party I was sick during this period i.e. from 8-04-1988 to 22-04-1988 and the same was within the knowledge of the Party II. The Party II had neither rejected the leave nor informed the Party I that the said leave was not sanctioned. This being the case absence during the period from 8-04-1988 to 22-04-1988 cannot strictly be considered as unauthorised.

22. The records indicate that the Party I had not reported for duty but had applied for earned leave w.e.f. 23-04-1988 to 31-05-1988 on the ground of medical treatment at Bhatia General Hospital at Bombay. The Party I has admitted that this application was not accompanied by any medical certificate. By telegram dated 5-05-1988, the Party I was informed that the leave was not granted and the Party I was called upon to report for duties. It is therefore evident that the leave during this period was not sanctioned. It is also pertinent to note that the Party I has admitted in her cross-examination that she had not produced any medical certificate to prove that she had taken treatment from Bhatia Hospital, Bombay. She has admitted that she had not taken any treatment at Bhatia Hospital, Bombay during the period from 23-04-1988 to 31-05-1988. She has stated that during this period, she had taken treatment from a homoeopathic doctor by name Dr. Kashinath

Sardessai. She had not produced any certificate to show that during this period she was under treatment of Dr. Sardessai. When her attention was drawn to the fact that in her leave application for the period from 23-04-1988 to 31-05-1988, she had given her address at Bombay, she claimed that during the said period she had gone to Lokmanya Tilak Hospital for consultation. She has stated that she does not have any documents to prove that she had travelled to Bombay during this period. Hence, there is absolutely no evidence to prove that the Party I was sick during this period. The leave of the Party I during this period was not sanctioned and such her absence during this period was unauthorised.

23. The Party I had also applied for commuted leave for 61 days w.e.f. 1-06-1988 to 31-07-1988. This leave application was forwarded to Party II on 5-08-1988. The Party I had also applied for commuted leave for 50 days w.e.f. 1-08-1988 to 19-09-1988. This application was forwarded to the Party II on 20-09-1988. The Party II issued to the Party I a memo dated 18-10-1988 at Exb. E-4 colly for remaining absent beyond the period of commuted leave. The Party I was called upon to report for duties immediately and to show cause why disciplinary action should not be taken against her. The records indicate that subsequently; vide application dated 30-10-1988 (Exb. W-4 colly) the Party I forwarded another application for commuted leave for 40 days w.e.f. 20-09-1988 to 29-10-1988. It is thus evident that these three applications were forwarded after the expiry of the leave period stated in each of these applications. In the case of *Viveka Nand Sethe v/s. Chairman J & K Bank Ltd., reported in 2005(5) SCC 337*, it has been held that mere sending of an application for grant of leave much after the period of leave was over cannot be said to be a bonafide act on the part of the workman. In the case of *Delhi Transport Corporation v/s Sardar Singh 2004(7) SCC 574*, the Apex Court has held that mere making of an application after or even before absence from work does not in any way assist the concerned employee. The requirement is obtaining leave in advance. It is also to be noted that the endorsement made on leave application at Exb. W-2 colly indicates that as on 13-04-1988, the Party I had only 26 days HPL at her credit. The Party I has not adduced any evidence to show that she had any sick leave to her credit as on the date she had forwarded these three applications.

24. It is also pertinent to note that the Party I had forwarded medical certificates issued by

Shri Kashinath Sardessai, a homoeopathic doctor, alongwith these three applications. These certificates were also issued after the leave period. It is also to be noted that as per the certificates issued by the Assistant Professor of GMC, the Party I was suffering from P.I.V.D. (Prolapsed Intervertebral Disc). The Party I has not examined the homoeopathic doctor, Shri Sardessai to prove that she had either taken treatment from the said doctor or to prove that he was competent to treat such sickness. In the case of *Vernon Lobo v/s Himalaya Drug Company and anr. (Writ Petition No. 285/97)*, the Hon'ble Bombay High Court has held that once the employer establishes that the workman was absent for a particular period and the workman takes the plea that he had been sick during such period, undoubtedly it is for the workman to prove his sickness. It is further held that *"As regards the medical certificate, the fact whether the person who issues such certificate is really one from the medical profession or not, whether such doctor had occasion to have medical check-up of the workman at the relevant time or not, whether the doctor who might have given the opinion regarding particular sickness in such certificate really had an opportunity to check-up the person in respect of whom the medical certificate is stated to be issued, whether the concerned doctor had taken proper care to undertake necessary medical tests to arrive at a correct diagnosis which is stated to be disclosed in such certificate, and the like, are all matters of importance and relevant to establish whether the person was really sick and suffering from the disease which is disclosed in the medical certificate and for all those purposes, it would be absolutely necessary for the person relying upon a medical certificate to produce the concerned doctor for examination before the Court or the Tribunal. In the absence of the Medical Officer who has issued the medical certificate being examined before the Court to prove the truthfulness of the contents of the medical certificate, no credence can be given and no evidenciary value can be attached to any such medical certificate."*

25. In the present case the Party I has not examined the doctor and has thereby failed to prove that she was sick during this period and that she was under the treatment of a homoeopathic doctor, from 1-06-1988 to 29-10-1988. The Party I has failed to prove that her absence during the said period was due to the sickness. Consequently the absence of the Party I during the aforesaid period is also held to be unauthorised.

26. The Party II has proved that the absence of the Party I from 23-04-1988 till the date of termination of her services i.e. 6-01-1989 was unauthorised. In the case of *Delhi Transport Corporation v/s Sardar Singh (Supra)*, the Apex Court has held that when an employee absents himself from duty, even without sanctioned leave for very long period, the Authority can, on the basis of the record, come to a conclusion about the employee being habitually negligent in duties and an exhibited lack of interest in the employer's work. Similarly, in the case of *L & T Komatsu Ltd., v/s N. Udaykumar reported in 2008 (1) SCC 224*, the Apex Court has reiterated that habitual absence amounts to gross violation of discipline. In the present case, the Party I was working as an Auxiliary Nurse/Midwife. She had not complied with her transfer order and had remained unauthorisedly absent for a long period beyond the sanctioned period of leave. This is a serious act of misconduct which exhibits lack of interest and devotion to duty. Such conduct is not conducive to office discipline and as such the Party II was justified in terminating the services of the Party I. Hence, the termination of services of the Party I w.e.f. 6-01-1989 is held to be legal and justified. Consequently the Party I is not entitled for any relief.

28. Under the circumstances, and in view of discussion supra, I pass the following order:

ORDER

The termination of the Party I w.e.f. 6-01-1989 is held to be legal and justified. The Party I is not entitled for any relief.

Inform the Government accordingly.

Sd/-
(A. Prabhudessai),
Presiding Officer,
Industrial Tribunal-
cum-Labour Court.

Department of Law and Judiciary

Law (Establishment) Division

Notification

No. 9-18-2004-LD(Estt.)/part-II(57)/5735

In exercise of the powers conferred by Section 3 of the Notaries Act, 1952 (Central Act 53 of 1952) read with Rule 8 of the Notaries Rules, 1956, the Government of Goa hereby appoints Shri Prashant

N. Kamat, Advocate, Margao, Goa, as a Notary for a period of five years with effect from 20th November, 2009 for the area of Margao taluka.

By order and in the name of the Governor of Goa.

N. P. Singnapurker, Under Secretary, Law (Estt.).
Porvorim, 20th November, 2009.

Notification

No. 9-18-2004-LD(Estt.)/part-II(56)/5736

In exercise of the powers conferred by Section 3 of the Notaries Act, 1952 (Central Act 53 of 1952) read with Rule 8 of the Notaries Rules, 1956, the Government of Goa hereby appoints Shri Nandakumar N. Naik, Advocate, Ponda, Goa, as a Notary for a period of five years with effect from 20th November, 2009 for the area of Ponda taluka.

By order and in the name of the Governor of Goa.

N. P. Singnapurker, Under Secretary, Law (Estt.).
Porvorim, 20th November, 2009.

Notification

No. 9-18-2004-LD(Estt.)/part-II(55)/5738

In exercise of the powers conferred by Section 3 of the Notaries Act, 1952 (Central Act 53 of 1952) read with Rule 8 of the Notaries Rules, 1956, the Government of Goa hereby appoints Shri Satishkumar Shamba Shenvi Pilgaonkar, Advocate, Ponda, Goa, as a Notary for a period of five years with effect from 20th November, 2009 for the area of Ponda taluka.

By order and in the name of the Governor of Goa.

N. P. Singnapurker, Under Secretary, Law (Estt.).
Porvorim, 20th November, 2009.

Department of Legal Metrology

Office of the Controller Legal Metrology

Order

No. 2/18/77-CLM/674/2113

Read: Order No. 2/18/77-CLM/641/2063 dated 10th November, 2009, sanctioning leave to Shri N. M. Naik, Controller, Legal Metrology.

Shri V. R. Naik, Assistant Controller, Legal Metrology, shall hold the charge on officiating basis, of the post of the Controller, Legal Metrology and ex officio, Under Secretary, during the leave period of 12 days with effect from 23-11-2009 to 04-12-2009 of Shri N. M. Naik, Controller, Legal Metrology, Panaji in addition to his own duties.

By order and in the name of the Governor of Goa.

A. K. Wasnik, Secretary, Legal Metrology.

Panaji, 17th November, 2009.

Department of Personnel

Order

No. 7/2/99-PER-Part-II (A)

In pursuance of the Government of India, Ministry of Home Affairs, New Delhi Order No. 14016/14/2008-UTS.I dated 07-10-2009, the Governor of Goa is pleased to relieve Shri A. K. Wasnik, IAS (AGMU: 1997), Secretary (GA) from this Administration, with effect from 30-11-2009 to take up his new assignment as Director, Census Operations, Goa.

Shri A. K. Wasnik, IAS, shall hand over the charge of Department of General Administration and Official Language to Shri S. Kumaraswamy, IAS (AGMU: 91), Secretary (Labour) and charge of the Department of Legal Metrology and Provedoria to Shri Gonesh Koyu, IAS (AGMU: 91), Secretary (AH & VS).

By order and in the name of the Governor of Goa.

Umeshchandra L. Joshi, Under Secretary (Personnel-I).

Porvorim, 13th November, 2009.

Order

No. 4/7/2004-PER

Read: Order No. 4/7/2004-PER dated 11-09-2009.

Shri Nikhil U. Dessai, Managing Director, Goa Handicrafts, Rural and Small Scale Industries Development Corporation shall hold charge of the post of Managing Director, Goa Tourism Development Corporation, in addition to his own duties with immediate effect and until further orders.

The deputation term of Dr. Benjamin Braganza to the post of Managing Director, Goa Tourism Development Corporation is curtailed and he stands relieved of the post of Managing Director, Goa Tourism Development Corporation with effect from 19-11-2009 (F.N.). Consequent upon curtailment of his deputation term, he shall report to his parent Department for his posting.

By order and in the name of the Governor of Goa.

Yetindra M. Maralkar, Joint Secretary (Personnel).

Porvorim, 18th November, 2009.

Order

No. 22/2/2007-PER-Part

Shri Vaman P. Tari, Superintendent of Police holding the post of Asstt. Commandant IRB/ /Superintendent of Police Tourist Police/Konkan Railway shall hold the charge of the post of Superintendent of Police (ACB) in addition to his own duties, thereby relieving Shri O. R. Kudtarkar, S. P. (Asstt. Commandant IRB) from additional charge with immediate effect and until further orders.

By order and in the name of the Governor of Goa.

Yetindra M. Maralkar, Joint Secretary (Personnel).

Porvorim, 18th November, 2009.

Order

No. 6/4/91-PER(Part II)

The Governor of Goa is pleased to promote on ad hoc basis, the following incumbents of the posts included in the Schedule-II of the Goa Civil Service Rules, 1997, to Junior Scale of the same service in the Pay Band of Rs. 15,600-39,100 with Grade Pay of Rs. 5,400/-, with immediate effect and post them as shown below:

Sr. No.	Name of the Officer	Present posting	Posted on promotion as
1	2	3	4
1.	Shri Rajendra Gawandalkar	Section Officer, Secretariat, Porvorim	Under Secretary, (Home-I).

1	2	3	4
2.	Smt. Maria Paula Fernandes	Section Officer, Secretariat, Porvorim	Under Secretary, (Health-II) thereby relieving Smt. Maria Pires, Under Secretary (Forest) of the additional charge.
3.	Shri Ajit Pawaskar	Section Officer, Secretariat, Porvorim	Under Secretary, Finance (Rev. & Control) thereby relieving Kum. Vasanti H. Parvatkar, Under Secretary (Bud-I) of the additional charge.
4.	Smt. Sharmila Zuzarte	Technical Officer, Secretariat, Porvorim	Dy. Registrar, Government Polytechnic, Panaji thereby relieving Shri Raju Gawas, Chief Officer, Mapusa Municipal Council of the additional charge.
5.	Shri Pandharinath N. Naik	Technical Officer, Secretariat, Porvorim	Chief Officer, Canacona Municipal Council thereby relieving Shri Agnelo A. Fernandes, Chief Officer, Cuncolim Municipal Council of the additional charge.

2. The above appointments shall be for a period of one year in the first instance.

3. The above ad hoc appointments will not bestow on the promoted Officers any claim for regular appointment and the service rendered on ad hoc basis in the Grade will not count for the purpose of seniority in that grade or for eligibility for promotion to the next higher grade.

4. The posting of Shri Pandharinath N. Naik, shall be on deputation and shall be governed by the standard terms of the deputation as contained in this Department's Office Memorandum No. 13/4/74-PER dated 12-2-1999, and as amended.

5. Consequently, the transfer and posting of the following Junior Scale Officer of Goa Civil Service is ordered with immediate effect in public interest:

Sr. No.	Name of the Officer	Present posting	Posted on transfer
1	2	3	4
1.	Shri Narayan V. Prabhu-dessai	Under Secretary (Home-I), Secretariat, Porvorim	Dy. Collector (Rent Control), North, Panaji.
2.	Smt. Regina D'Souza	Dy. Collector (Rent Control), North, Panaji	Dy. Director (Admn.), Animal Husbandry & Vet. Services, Panaji.

By order and in the name of the Governor of Goa.

Yetindra M. Maralkar, Joint Secretary (Personnel).
Porvorim, 23rd November, 2009.

Order

No. 6/6/90-PER

Read: i) Government Order No. 6/6/90-PER dated 27-03-2008.

ii) Government Order No. 6/6/90-PER dated 24-07-2009.

The ad hoc promotion of Dr. Rajnanda Dessai, to the post of Director of Health Services is hereby further extended for the period from 26-09-2009 to 25-03-2010.

This issues with the approval of Goa Public Service Commission vide their U. No. COM/II/11/24(2)/92/1783 dated 17-11-2009.

By order and in the name of the Governor of Goa.

Yetindra M. Maralkar, Joint Secretary (Personnel).
Porvorim, 20th November, 2009.

Corrigendum

No. 6/9/2009-PER(Part-I)

Read: Order No. 6/9/2009-PER(Part-I) dated 17 11-2009.

The additional charge of the post of Managing Director, Goa State SC & ST Finance Development Corporation, given to Shri Sunil P. Masurkar, Director of Civil Supplies vide Order dated 17-11-2009, read in preamble shall be corrected to

read as 'Managing Director, Goa State SC & OBC Finance & Development Corporation'.

By order and in the name of the Governor of Goa.

Yetindra M. Maralkar, Joint Secretary (Personnel).
Porvorim, 24th November, 2009.

Department of Planning

Directorate of Planning, Statistics and Evaluation

Order

No. 4/12/92-PLG/DPSE/1840

On the recommendation of Goa Public Service Commission vide their letter No. Com/II/38(1)/09 dated 29-10-2009, the Government of Goa is pleased to promote the following Research Assistants of Common Statistical Cadre, as Statistical Officers, Group "B" Gazetted in the pay scale of Rs. 9,300-34,800+4,200 on regular basis with immediate effect and post them in the following Departments.

Sr. No.	Name of the Officer	Place of posting
1	2	3
1.	Shri B. G. P. Dessai	Directorate of Animal Husbandry & Veterinary Services, Panaji.
2.	Shri S. V. Sane	Directorate of Industries & Mines, Panaji.
3.	Shri J. N. Shirodkar	Div-III, Directorate of Planning, Statistics and Evaluation, Panaji.

The Officers will be on probation for a period of two years from the date of their joining.

By order and in the name of the Governor of Goa.

Anand Sherkhane, Director & ex officio Joint Secretary (Planning).

Panaji, 24th November, 2009.

Department of Public Health

Order

No. 4/19/2003-II/PHD

Read: (i) Memorandum No. 4/19/2003-II/PHD dated 27-05-2009.

(ii) Government Order No. 4/19/2003-II/PHD dated 29-05-2009.

(iii) Certificate No. 4/19/2003-II/PHD dated 12-10-2009.

On the recommendation of the Goa Public Service Commission as conveyed vide their letter No. COM/1/5/30(4)/2004/34 dated 02-02-2009, the Government is pleased to appoint Mrs. Gladys D'Souza to the post of Microbiologist in Goa Medical College, Bambolim-Goa on temporary basis in the pay scale of Pay Band—2, Rs. 9,300-34,800 with grade pay of Rs. 4,200 with effect from 29-05-2009 and as per the terms and conditions contained in the Memorandum dated 27-05-2009 mentioned above and her pay shall be fixed as per rules.

Mrs. Gladys D'Souza shall be on probation for a period of two years.

Mrs. Gladys D'Souza has been declared medically fit by the Medical Board.

The character and antecedents of Mrs. Gladys D'Souza have been verified vide certificate of even number dated 12-10-2009.

This issues in supersession of Government order of even number dated 29-05-2009.

By order and in the name of the Governor of Goa.

Derrick P. Neto, Under Secretary (Health).

Porvorim, 18th November, 2009.

Order

No. 46/5/2009-I/PHD

Government is pleased to appoint the following Officer on contract basis against the post as indicated in Col. No. (3) with the posting as indicated in Col. No. (4) under Directorate of Health Services with immediate effect for a period of one year or till the posts are filled on regular basis, whichever is earlier.

Sr. No.	Name of the Doctor	designation	Place of posting
1	2	3	4
1.	Dr. Atul Gaunekar	Junior Gynaecologist	Asilo Hospital, Mapusa.
2.	Dr. Sachin Narvekar	Junior Gynaecologist	Asilo Hospital, Mapusa.
3.	Dr. Elyeen Fernandes	Junior Gynaecologist	Hospicio Hospital, Margao.
4.	Dr. Suparna Borkar	Junior Gynaecologist	Hospicio Hospital, Margao.

The above Junior Gynaecologist shall be paid monthly emoluments of Rs. 25,000/- per month.

The appointment shall be subject to the terms & conditions contained in the Agreement to be executed by them with the Government.

By order and in the name of the Governor of Goa.

D. G. Sardessai, Joint Secretary (Health).

Porvorim, 20th November, 2009.

Department of Revenue

Notification

No. 23/41/2009-RD

Whereas it appears to the Government of Goa (hereinafter referred to as "the Government") that the land specified in the Schedule hereto (hereinafter referred to as the "said land") is needed for public purpose, viz. Construction of Bridge between Tharmas to Ozari Sangaowada in Dhargal Constituency.

And whereas in the opinion of the Government the provisions of sub-section (1) of Section 17 of the Land Acquisition Act, 1894 (Central Act 1 of 1894) (hereinafter referred to as "the said Act") are applicable.

Now, therefore, the Government hereby notifies under sub-section (1) of Section 4 of the said Act, that the said land is needed for the purpose specified above.

The Government further directs under sub-section (4) of Section 17 of the said Act that the provisions of Section 5-A of the said Act shall not apply in respect of the said land.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contract for the disposal of the said land by sale, lease, mortgage, assignment, exchange or otherwise or any outlay commenced or improvements made thereon without the sanction of the Collector appointed under paragraph 4 below, after the date of the publication of this notification, will under clause (seventh) of Section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under Section 6 of the

said Act will be published in the Official Gazette and in two daily newspapers and public notice thereof shall be given in due course. If the acquisition is abandoned wholly or in part, the fact will also be notified in the same manner.

4. The Government further appoints under clause (c) of Section 3 of the said Act, the Special Land Acquisition Officer, Goa State Infrastructure Development Corporation Limited, EDC House, Panaji-Goa to perform the functions of a Collector, under the said Act in respect of the said land.

5. The Government also authorizes under sub-section (2) of Section 4 of the said Act, the following Officers to do the acts, specified therein in respect of the said land.

1. The Collector, North Goa District, Panaji-Goa.
2. The Special Land Acquisition Officer, Goa State Infrastructure Development Corporation Limited, EDC House, Panaji-Goa.
3. The Exe. Eng., W.D.XIII(R), PWD, Mapusa-Goa.
4. The Director of Settlement and Land Records, Panaji-Goa.

6. A rough plan of the said land is available for inspection in the Office of the Special Land Acquisition Officer, Goa State Infrastructure Development Corporation Limited, EDC House, Panaji-Goa for a period of 30 days from the date of publication of this Notification in the Official Gazette.

SCHEDULE

(Description of the said land)

Taluka: Pemem Village: Cansarvorem

Survey No./ Sub-Div. No.	Names of the persons believed to be interested	Approx. area in square meters
1	2	3
92/1	O: 1) Shanbha Yesu Kubal. 2) Pandurang Yesu Kubal.	1375
92/15	O: Pandurang Yesu Kubal.	130
92/16	O: Shanbha Yesu Kubal.	194
92/17	O: Pandurang Yesu Kubal.	195
92/18	O: Shanbha Yesu Kubal.	557
97/1	O: 1) Sitaram Atmaram Naik. 2) Gurudas Shiva Kubal. 3) Dharma Laximan Kubal. 4) Vasant Laximan Kubal.	1400

1	2	3
	T: 1) Laximan Govind Kubal. 2) Anant Ganesh Kubal. 3) Gurudas Shiva Kubal.	
97/7	O: 1) Dharma Laximan Kubal. 2) Vasant Laximan Kubal.	15
	T: Laximan Govind Kubal.	
97/8	O: Gurudas Shiva Kubal.	184
96/7	O: Gurudas Shiva Kubal.	310
93/9	O: Sitaram Atmaram Naik.	250
	T: Vasant Shankar Kubal.	
93/8	O: Madan Chandra Farjan	294
	T: Mahadev Vithu Dhumaskar.	
		Total 4904

Boundaries :

North : S. No. 92/1, 15, 16, 17, 18,
Road.
South : Road S. No. 97/1, 8, 7, 96/7,
93/8.
East : Village Alorna.
West : Road S. No. 99/13, 92/1.

Taluka: Pemem

Village: Alorna

259/5	O: 1) Anant Shriram Mahambre. 2) Shripad Shriram Mahambre. 3) Sadanand Shriram Mahambre. 4) Atmaram Vasudev Mahambre.	789
	T: 1) Deyog Anthon Fernandes. 2) Kisthod Fernandes. 3) Pascol Ghonsal Fernandes. 4) Alex Kusthan Fernandes.	
258/51	O: 1) Anant Shriram Mahambre. 2) Shripad Shriram Mahambre. 3) Sadanand Shriram Mahambre. 4) Atmaram Vasudev Mahambre.	578
	T: Alex Kusthan Fernandes.	
258/52	O: Comunidade.	225
256/21	O: Manvel Jacky Fernandes.	165
256/22	O: Francis Xavier Caldera.	187
256/23	O: Comunidade.	278
	T: Pad.	
256/24	O: Comunidade.	688
	T: 1) Vishram Babu Chopdekar. 2) Pandurang Babu Chopdekar.	
256/25	O: Comunidade.	227
		Total: 3137

Boundaries :

North : Road S. No. 256/20, 259/13.
South : Villge Cansarvorem.

1	2	3
East	: S. No. 256/21, 22, 23, 24, 25.	
West	: S. No. 259/5, 258/51.	
		Grand Total: 8041

By order and in the name of the Governor
of Goa.

D. M. Redkar, Under Secretary (Revenue-I).

Porvorim, 25th November, 2009.

Notification

No. 23/50/2008-RD

Whereas by Government Notification No. 23/50/2008-RD dated 18-11-2008 published in Series II No. 36 of the Official Gazette dated 04-12-2008 and in two newspapers (1) "Tarun Bharat" dated 29-11-2008 and (2) "Times of India" dated 29-11-2008, it was notified under Section 4 of the Land Acquisition Act, 1894 (Central Act 1 of 1894) (hereinafter referred to as "the said Act"), that the land specified in the Schedule appended to the said Notification (hereinafter referred to as the said land), was needed for public purpose, viz. L. A. for construction of B/6 distributory from ch. 5.820 kms. to ch. 15.900 kms. of RBMC of TIP at Village Torcem, Tambocem, Mopa, Cazne of Pernem Taluka.

And whereas, the Government of Goa (hereinafter referred to as "the Government") being of the opinion that the acquisition of the said land is urgently necessary, hereby applies the provisions of sub-section (1) of Section 17 of the said Act and directs that the Collector appointed under paragraph 2 below, shall at any time on the expiry of fifteen days from the date of the publication of the notice relating to the said land under sub-section (1) of Section 9 of the said Act, take possession of the said land.

Now, therefore, the Government hereby declares, under the provisions of Section 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government also hereby appoints, under clause (c) of Section 3 of the said Act, the Special Land Acquisition Officer (N) G.T.I.D.C., Karaswada, Colvale Road, Bardez-Goa to perform the functions of the Collector, for all proceedings hereinafter to be taken in respect of the said land and directs him under Section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the office of the said the Special Land Acquisition Officer (N) G.T.I.D.C., Karaswada, Colvale Road, Bardez-Goa till the award is made under Section 11.

SCHEDULE

(Description of the said land)

Taluka: Pernem *Village:* Casnem

Survey No./ /Sub-Div. No.	Names of the persons believed to be interested	Approx. area in square metres
1	2	3
14/1P	O: Rajendra Vassudev Deshprabhu. Balkrishna Ladhkoba Deshprabhu. T: Ramnath Atmaram Pednekar.	4900
19/10P	O: Rajendra Vassudev Deshprabhu. Balkrushna Ladhkoba Deshprabhu. T: Krushna Devu Korgaokar.	200
19/11P	O: Rajendra Vassudev Deshpabhu. Balkrushna Ladhkoba Deshprabhu. T: Sakharan Anna Korgaokar.	215
19/12P	O: Rajendra Vassudev Deshpabhu. Balkrushna Ladhkoba Deshprabhu. T: Sakharan Babali Korgaokar.	255
19/13P	O: Rajendra Vassudev Deshpabhu. Balkrushna Ladhkoba Deshprabhu. T: Shivram Arjun Korgaokar.	180
19/14P	O: Rajendra Vassudev Deshpabhu. Balkrushna Ladhkoba Deshprabhu. T: Ramchandra Vishnu Korgaokar.	195
19/15P	O: Rajendra Vassudev Deshpabhu. Balkrushna Ladhkoba Deshprabhu. T: Bitto Keshav Raul.	402
19/29P	O: Rajendra Vassudev Deshpabhu. Balkrushna Ladhkoba Deshprabhu. T: Sakharan Anant Korgaokar. Krushna Devu Korgaokar. Sitaram Babali Korgaokar. Pandu Babali Korgaokar. Ragu Babalu Korgaokar. Shivram Arjun Korgaokar. Ramchandra Vishnu Korgaokar.	1063

1	2	3	1	2	3
39/7P	O: Rajendra Vassudev Deshprabhu. Executive Engineer W.D. XVII (PHE) P.W.D. Mapusa. <i>Boundaries :</i> North : S. No. 39/7, 19/9 to 14, 29, 18/33 to 36. South : S. No. 39/7, 19/10 to 12, 15, 19/29. East : S. No. 19/15. West : S. No. 23/1, 19/12 to 14.	8105	24/3P	O: Narayan Vishvanath Samant. Sridhar Baburao Samant. Janardhan Sakham Samant. Sitaram Ghanashyam Desai. T: Francis Thomas Fernandes.	422
			24/4P	O: Dipti Digambar Pednekar.	375
			24/5P	O: Aatmaram Kanoba Samant. Shankarji Yeshwant Desai. T: Sundarabai Baburao Samant.	304
			24/6P	O: Sakham Laxman Gavankar. Ramchandra Vaman Patil. Govind Dondu Khanolkar.	330
			24/7P	O: Shri Kostas Lobo.	175
			24/8P	O: Govind Jaganath Samant. Satyabama Sadhashiv Samant.	302
			24/9P	O: Manohar Shankar Samant. Savlam Vamant Samant. Krishnabai Tukaram Samant. Digambar Bachu Samant.	165
			24/10P	O: Kostas Lobo. T: Duming Xavier Lobo.	315
			24/11 P	O: Dipti Digamber Pednekar.	1100
				<i>Boundaries :</i> North : S. No. 39/7, 19/9 to 14, 29, 18/33 to 36. South : S. No. 39/7, 19/10 to 12, 15, 19/29. East : S. No. 19/15. West : S. No. 23/1, 19/12, 15, 14.	
		Total: 15515			Total: 4498
Taluka: Pemem		Village: Mopa	Taluka: Pemem		Village: Uguem
22/3P	O: Narayan Govind Deshprabhu. Rajaji Balkrishna Deshprabhu. Krishnaji Parshuram Deshprabhu. Rajaram Sriram Deshprabhu. Amrutrao Nagesh Deshprabhu. Government of Goa Executive, Engineer, WD XIII (PHE), P.W.D. T: Vincent Diyog Fernandes. Aatmaram Narayan Asolkar. Devu Babaji Mavlankar. <i>Boundaries :</i> North : S. No. 22/3. South : S. No. 22/3. East : S. No. 22/3. West : S. No. 22/3, Village Tamboxem.	2930	36/1P	O: Jaganath Saat Mahale. Yeso Chandro Mahale. Vasu Pandu Mahale. Sonu Govind Mahale. Krishna Sagun Mahale. Shreke Babu Mahale. Sagun Ramchandra Mahale. Pandurang Bhikaji Mahale. Bisu Ragobha Mahale. Prabhakar Purushottam Mahale. Anant Rama Mahale. Raghunath Pundalik Mahale. Laxman Dharma Mahale. Vishwanath Badu Mahale. Guno Arjun Mahale. Vishram Shankar Mahale. Tukaram Mukund Mahale. Jaganath Kusaji Mahale. Narayan Saju Mahale. Raghu Shankar Mahale. Mortoji Ganesh Mahale. Ramchandra Pundalik Mahale. Chandrakant Vishnu Mahale.	1007
		Total: 2930			
Taluka: Pemem		Village: Tamboxem			
24/1P	O: Vishnu Ganesh Deshprabhu.	80			
24/2P	O: Radhakrishna Dattaram Samant. Vasant Narayan Samant. Keshav Jivaji Samant. Vaman Narayan Samant. Mohan Narayan Samant. Krishnabai Balkrishna Valavalkar. Ghanashyam Ganpat Valavalkar. Shridhar Baburao Samant. Narayan Viahwanat Samant. Janardan Sakham Sawant. Sitaram Ganasham Shenai. Ramchandra Vaman Patil. Govind Jaganath Samant. Aatmaram Kanoba Samant. Vishvanath Pandurang Aakerkar. Ghanashyam Ganpat Valavalkar.	930			

1	2	3	1	2	3
	Atmaram Babaji Mahale. Laxman Krishna Mahale. Mohan Sadha Mahale. Tukaram Vithu Mahale. Vaman Budhaji Mahale. Raghunath Ganesh Mahale. Soma Sakharam Mahale. Anandi Aaba Kubal. Joki Simao Fernandes. Sitaram Jivaji Mahale. Arjun Vassudev Mahale. Atmaram Narayan Mahale.			Gangaram Pundalik Mahale. Pandurang Vishram Mahale. Subadra Arjun Mahale. Savlo Bapu Mahale.	
36/2P O:	Appa Kashiram Mahale. Pundalik Ragoba Mahale. Laxman Budhaji Mahale. Dattaram Budhaji Mahale. Ramchandra Atmaram Mahale.	882	36/6P O:	Raghuraj Vassudev Deshprabhu.	1259
36/3P O:	Salvo Bapu Mahale. Laxman Bhiva Mahale. Ganesh Tukaram Mahale. Kalu Nanu Mahale. Mahadev Saju Mahale. Appa Mahadev Mahale. Rama Krishna Mahale. Babaji Jairam Mahale. Shiva Mahadev Mahale. Vaman Budhaji Mahale. Rajaram Baburao Parab.	186	36/7P O:	Arjun Vassudev Mahale. Anant Rama Mahale. Atmaram Babaji Mahale. Atmaram Narayan Mahale. Anandi Aba Kubal. Krishna Sagun Mahale. Guno Arjun Mahale. Jaganath Sathu Mahale. Yeso Chandro Mahale. Vasu Pandu Mahale. Sonu Govind Mahale. Sherke Babu Mahale. Sagun Ramchandra Mahale. Pandurang Bhikaji Mahale. Bisu Ragoba Mahale. Prabhakar Purushottam Mahale. Raghunath Pundalik Mahale. Laxman Dharma Mahale. Vishwanath Badu Mahale. Tukaram Mukund Mahale. Jaganath Kusaji Mahale. Narayan Sadhu Mahale. Raghu Shankar Mahale. Mortoji Ganesh Mahale. Ramchandra Pundalik Mahale. Chandrakant Vishnu Mahale. Laxman Krishna Mahale. Mohan Sadha Mahale. Tukaram Vithu Mahale. Vaman Budhaji Mahale. Raghunath Ganesh Mahale. Joki Simao Fernandes. Sitaram Jivaji Mahale.	605
36/4P O:	Guno Sakharam Mahale. Laxman Bhiva Mahale. Laxman Ravji Mahale. Masu Balu Mahale. Laxman Devu Mahale. Vasu Bhiva Mahale. Laxman Krishna Mahale. Pandurang Laxman Mahale. Narayan Rama Mahale. Budhaji Shamba Mahale. Appa Hiru Mahale. Devu Vishram Mahale. Babalo Fatu Mahale. Satyawati Mukund Mahale. Sadha Sakho Mahale. Simao Paulo Fernandes. Kistu Rujai Rodrigues. Vishnu Yeso Mahale. Fatu Pundalik Mahale. Shankar Yeso Mahale.	1475	36/8P O:	Apa Kashiram Mahale. Pundalik Raghoba Mahale. Laxman Budhaji Mahale. Dattaram Budhaji Mahale.	135
36/5P O:	Suryakant Vithu Mahale. Vassudev Narayan Mahale. Sabaji Sitaram Mahale. Purushottam Nanu Mahale. Rama Krishna Mahale. Pundalik Laxman Mahale.	1445	38/1P O:	Guno Sakharam Mahale. Laxman Bhiva Mahale. Laxma Ravaji Mahale. Masu Baalu Mahale. Laxman Devu Mahale. Laxman Krishna Mahale. Pandurang Laxman Mahale. Narayan Rama Mahale. Budhaji Shamba Mahale. Shankar Yeso Mahale. Appa Hiru Mahale.	2170

1	2	3	1	2	3
	Devu Vishram Mahale. Sada Sakho Mahale. Saabi Krishna Mahale. Kistu Rujay Rodrigaj. Simao Paulu Fernandes. Vasu Bhiva Mahale.			Matorji Ganesh Mahale. Atmaram Babaji Mahale. Chandrakant Vishnu Mahale. Laxman Krishna Mahale. Mohan Sada Mahale. Tukaram Vithu Mahale. Vaman Budhaji Mahale.	
38/2P	O: Rajendra Vasudev Deshpabhu. Raghuraj Vasudev Deshpabhu. Laxman Bhiva Mahale. Ganesh Tukaram Mahale. Kalu Nhanu Mahale. Mahadev Saaju Mahale. Aapa Mahadev Mahale. Rama Krishna Mahale. Babaji Jayaram Mahale. Shiva Mahadev Mahale. Rajaram Baburav Parab. Yeso Chandro Mahale. T: Savalo Baapu Mahale.	970		Raghunath Ganesh Mahale. Soma Sakharam Mahale. Anandi Aba Kubal. Jocky Simao Fernandes. Sitaram Jivaji Mahale. Arjun Vasudev Mahale. Saatu Jagannath Mahale. Babaji Fatu Mahale.	
38/3P	O: Vasudev Narayan Mahale. Saabi Krishna Mahale. Purushottam Nhanu Mahale. Rama Krishna Mahale. Pundalik Laxman Mahale. Gangaram Pundalik Mahale. Pandurang Vishram Mahale. Subhadra Arjun Mahale. Savalo Baapu Mahale. Suryakant Vithu Mahale. Rajaram Laxman Mahale.	1035	38/6P	O: Raghuraj Vasudev Deshprabhu. Rajendra Vasudev Deshpabhu.	1420
38/4P	O: Pundalik Raghoba Mahale. Aappa Kashiram Mahale. Laxman Budhaji Mahale. Ramchandra Atmaram Mahale.	1272	38/7P	O: Gunoji Sakharam Mahale. Masu Balu Mahale. Pandurang Laxman Mahale. Devu Vishram Mahale. Shankar Yeso Mahale. Laxman Bhiva Mahale. Sada Sakho Mahale. Kistu Rujay Rodrigaj. Narayan Rama Mahale. Simao Paulu Fernandes. Laxman Krishna Mahale. Fatu Pundalik Mahale. Jagannath Saatu Mahale.	565
38/5P	O: Jagannath Saatu Mahale. Yeso Chandro Mahale. Krishna Sagun Mahale. Sherke Babu Mahale. Vasu Pandu Mahale. Sonu Govind Mahale. Pandurang Bhikaji Mahale. Bhisu Raghoba Mahale. Anant Rama Mahale. Ramchandra Pundalik Mahale. Vishvanath Bhadu Mahale. Guno Arjun Mahale. Tukaram Mukund Mahale. Janannath Kusaji Mahale. Narayan Sadu Mahale. Prabhakar Purushottam Mahale. Raghu Shankar Mahale. Sagun Ramchandra Mahale. Mohan Sada Mahale. Kashiram Mahadev Mahale.	1200	38/8P	O: Pundalik Raghoba Mahale. Appa Kashiram Mahale.	530
			38/9P	O: Suryakant Vithu Mahale. Vasu Narayan Mahale. Sabaji Sitaram Mahale. Rajaram Laxman Mahale. Pandurang Vishram Mahale. Gangaram Pundalik Mahale. Ram Krishna Mahale. Subhadra Arjun Mahale. Purudhottam Nhanu Mahale.	715
			38/10P	O: Narayan Sadu Mahale. Martoji Ganesh Mahale. Ramchandra Pundalik Mahale. Anandi Aaba Kubal. Atmaram Babaji Mahale. Sitaram Jivaji Mahale. Laxman Krishna Mahale. Shiva Vishnu Mahale. Narmada Yesu Mahale. Raaghu Shankar Mahale. Arjun Vasudev Mahale 1/3. Mohan Sada Mahale.	640

1	2	3	1	2	3
38/11P	O: Savalo Baapu Mahale. Kalu Nhanu Mahale. Ganesh Tukaram Mahale. Rama Krishna Mahale. Laxman Bhiva Mahale. Babaji Jayaram Mahale. Jagannath Satu Mahale. Pundalik Raghoba Mahale.	570		Laxman Krishna Mahale. Narmada Yeso Mahale. Sitaram Jivaji Mahale. Babaji Bhisso Mahale. Arjun Vassu Mahale. Mortoji Ganesh Mahale. Raghunath Ganesh Mahale. Shivram Mahadev Mahale. Pundalik Ladu Mahale.	
38/12P	O: Raghuraj Vasudev Deshprabhu. Rajendra Vasudev Deshpabhu.	408	38/18P	O: Raghuraj Vasudev Deshprabhu. Rajendra Vasudev Deshpabhu.	866
38/13P	O: Pundalik Raghoba Mahale. Aappa Kashiram Mahale. Laxman Budhaji Mahale. Ramchandra Atmaram Mahale.	985	24/10P	O: Pundalik Ragoba Mahale. Laxman Budhaji Mahale. Aapa Kashiram Mahale. Ramchandra Atmaram Mahale. Dattaram Budhaji Mahale.	450
38/14P	O: Suryakant Vithu Mahale. Purushottam Nhanu Mahale. Pandurang Vishram Mahale.	865	24/11P	O: Savlo Bapu Mahale. Yeso Chandro Mahale. Vaman Budhaji Mahale. Prabhakar Purushottam Mahale. Ganesh Tukaram Mahale. Kalu Nanu Mahale. Aapa Mahadev Mahale. Rama Krishna Mahale. Babji Jairam Mahale. Shiva Mahadev Mahale. Saatu Jaganath Mahale.	945
38/15P	O: Guno Sakharam Mahale. Masu Bala Mahale. Pandurang Laxman Mahale. Devu Vishram Mahale. Shankar Yesu Mahale. Sada Sakho Mahale. Laxman Bhiva Mahale. Kistu Rujay Radrigaj. Narayan Rama Mahale. Laxman Krishna Mahale. Simao Paulu Fernandes.	740	24/12P	O: Raghuraj Vassudev Deshprabhu. Rajendra Vassudev Deshpabhu.	851
38/16P	O: Laxman Bhiva Mahale. Kalu Nanu Mahale. Savlo Bapu Mahale. Ganesh Tukaram Mahale. Mahadev Sajo Mahale. Rama Krishna Mahale. Babaji Jairam Mahale. Fattu Chandro Mahale. Soma Sakharam Mahale.	765	24/13P	O: Suryakant Mahadev Mahale. Vassudev Narayan Mahale. Shabi Sitaram Mahale. Purushottam Nanu Mahale. Rama Krishna Mahale. Pundalik Laxman Mahale. Gangaram Pundalik Mahale. Pandurang Vishram Mahale. Subadra Arjun Mahale. Rajaram Laxman Mahale.	309
38/17P	O: Guno Sakharam Mahale. Narayan Atmaram Mahale. Vasu Pandu Mahale. Prabhakar Purushottam Mahale. Krishna Sagun Mahale. Sagun Rama Mahale. Gunaji Arjun Mahale. Jaganath Kusaji Mahale. Bhisu Raghoba Mahale. Anant Ramchandra Mahale. Tukaram Mukund Mahale. Ramchandra Pundalik Mahale. Narayan Sadhu Mahale. Atmaram Babaji Mahale. Raghu Shankar Mahale. Chandrakant Vishnu Mahale.	785	24/14P	O: Jaganath Saatu Mahale. Sridhar Ganesh Mahale. Arjun Vassudev Mahale. Anant Rama Mahale. Atmaram Babaji Mahale. Anandi Aaba Kubal. Krishna Sagun Mahale. Kashiram Mahadev Mahale. Laxman Keshev Mahale. Guno Arjun Mahale. Sagun Chandro Mahale. Pandurang Bhikaji Mahale. Bisu Ragobha Mahale.	379

1	2	3	1	2	3
	Prabhakar Purushottam Mahale. Laxmanb Dharma Mahale. Raghunath Pundalik Mahale. Satyawati Mukund Mahale. Vishwanath Badu Mahale. Narayan Sadhu Mahale. Raghu Shankar Mahale. Mortoji Ganesh Mahale. Babaji Bhiso Mahale. Narmada Yeso Mahale. Ramchandra Pundalik Mahale. Chandrakant Vishnu Mahale. Laxman Krishna Mahale. Mohan Sadha Mahale. Vaman Budhaji Mahale. Sitaram Jivaji Mahale. Sherpu Babu Mahale. Pundalik Ladu Mahale. Keshev Arjun Mahale. Laxman Arjun Mahale. Atmaram Narayan Mahale. Vasu Pandu Mahale. Sonu Govind Mahale. Saatu Jaganath Mahale.			Shabi Krishna Mahale. Kistu Ruzai Rodrigues. Simao Paulo Fernandes. Vassu Bhiva Mahale. Babli Fatu Mahale. Satyawati Mukund Mahale. Fatu Pundalik Mahale. Tukaram Mukund Mahale.	
24/15P	O: Pundalik Ragoba Mahale. Dattaram Budhaji Mahale. Laxman Budhaji Mahale. Appa Kashiram Mahale. Ramchandra Atmaram Mahale.	395	24/18P	O: Raghuraj Vassudev Deshprabhu. Rajendra Vassudev Deshpabhu.	789
24/16P	O: Savlo Baapu Mahale. Raghuraj Vassudev Mahale. Laxman Bhiva Mahale. Ganesh Tukaram Mahale. Kalu Nanu Mahale. Mahadev Saju Mahale. Aapa Mahadev Mahale. Rama Krishna Mahale. Babaji Jairam Mahale. Shiva Mahadev Mahale. Yeso Chandro Mahale. Satu Jaganath Mahale. Tukaram Vithu Mahale.	320	43/1P	O: Sri Dev Mavuli Vahivatdar. Rajaram Laxman Mahale. Vithu Mahadev Mahale. Jaganath Satu Mahale. Narayan Sadu Mahale. Pundalik Ragoba Mahale. Appa Kashiram Mahale. Sabhi Bapu Mahale. Laxman Bhiva Mahale. Maso Balu Mahale. Devu Vishram Mahale.	7365
				<i>Boundaries :</i>	
				North : S. No. 14/26, 24/12 to 18, 43/1, 36/1 & 2, 38/1 to 9, 10, 11.	
				South : S. No. 24/12 to 18, 36/1, 2, 38/1 to 11, 43/1, Village Amberem,	
				East : S. No. 24/10, 11, 17, 36/3 to 8, 37/13, 38/1, 3 to 10 to 18, 43/1.	
				West : S. No. 24/10, 11, 17, 18, 36/5 to 8, 38/1 to 9, 11 to 18, 43/1.	
				Total: 35793	
				<i>Taluka: Pemem</i>	<i>Village: Amberem</i>
24/17P	O: Gunaji Sakharam Mahale. Laxman Ravji Mahale. Masu Balu Mahale. Laxman Devu Mahale. Laxman Krishna Mahale. Pandurang Laxman Mahale. Narayan Rama Mahale. Budhaji Shamba Mahale. Shankar Yeso Mahale. Appa Hiru Mahale. Devu Vishram Mahale. Sadha Sakho Mahale.	495	28/12P	O: Raghuraj Vasudev Deshprabhu. T: Saaba Arjun Mandrekar. Ladu Arjun Mandrekar. Madan Govind Mandrekar.	3570
			28/24P	O: Raghuraj Vasudev Deshprabhu. T: Shiva Ganesh Gadekar.	277
			28/19P	O: Raghuraj Vasudev Deshprabhu. T: Purushottam Pundalik Gadekar. Babi Pundalik Gadekar.	1478

1	2	3	1	2	3
20/1	O: Raghuraj Vasudev Deshprabhu. Plaza Hotels Pvt. Ltd.	5990	<i>Boundaries :</i>		
21/0	O: Raghuraj Vasudev Deshprabhu. T: Shiva Ladu Haldankar.	8355	North :	S. No. 15/1.	
17/0	O: Raghuraj Vasudev Deshprabhu.	5250	South :	S. No. 7/1.	
18/1	O: Raghuraj Vasudev Deshprabhu. T: Shambha Mahadev Gadekar.	4355	East :	S. No. 15/1, 7/1.	
18/3P	O: Raghuraj Vasudev Deshprabhu.	105	West :	Village Casne.	
18/4P	O: Raghuraj Vasudev Deshprabhu. T: Dyanandev Laxman Tembakar.	77	Total: 52		
18/5P	O: Raghuraj Vasudev Deshprabhu. T: Anant Ramchandra Tembakar. Babalo Aiko Mavalankar.	560	Grand Total: 93,102		
19/7P	O: Raghuraj Vasudev Deshprabhu. T: Anant Rajaram Tembakar.	122	By order and in the name of the Governor of Goa.		
19/8P	O: Raghuraj Vasudev Deshprabhu. T: Shankar Vasudev Shirodkar. Shiva Vasudev Shirodkar. Krishna Vasudev Shirodkar.	2035	Sd/- Under Secretary (Revenue).		
4/4P	O: Raghuraj Vasudev Deshprabhu. T: Shankar Vasudev Shirodkar. Babalo Aiko Mavalankar.	1600	Porvorim, 25th November, 2009.		
6/1P	O: Raghuraj Vasudev Deshprabhu. T: Ganesh Narayan Gadekar.	540	Notification		
<i>Boundaries :</i>			No. 22/15/2009-RD		
North : S. No. 28/19, 24, 12, 13, 20/1, S. No. 21, 18/1, 3 to 5, 19/7, 8, 4/3.			Whereas it appears to the Government of Goa (hereinafter referred to as "the Government") that the land specified in the Schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose, viz. L. A. for development of multipurpose utility project at village Davorlim in Salcete Taluka.		
South : S. No. 20/25, 19, 12, 1, 21, 18/1 Nalla, S. No. 17, 19/8, 6/1.			Now, therefore, the Government hereby notifies under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (Central Act 1 of 1894) (hereinafter referred to as "the said Act") that said land is likely to be needed for the purpose specified above.		
East : S. No. 28/21, 25, 13, 20/1, S. No. 21, 18/1, 19/8, Nalla, 4/4, 6/1.			2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contract for the disposal of the said land by sale, lease, mortgage, assignment, exchange or otherwise or any outlay commenced or improvements made thereon without the sanction of the Collector appointed under paragraph 4 below, after the date of the publication of this notification, will under clause (seventh) of Section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.		
West : S. No. 28/25, 13, 8, 20/1, 6/1, S. No. 21, 18/1, 19/8, 4/4.			3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under Section 6 of the said Act will be published in the Official Gazette and in two daily newspapers and public notice thereof shall be given in due course. If the acquisition is abandoned wholly or in part, the fact will also be notified in the same manner.		
Total: 34314					
Taluka: Pernem		Village: Varconda			
7/1P	O: Shri Devi Shantadurga. T: Babaji Babado Mavalankar.	52			

4. The Government further appoints under clause (c) of Section 3 of the said Act, the Deputy Collector (L.A.) South Goa, Margao-Goa to perform the functions of the Collector, South Goa District, Margao-Goa under the said Act in respect of the said land.

5. The Government also authorizes under sub-section (2) of Section 4 of the said Act, the following Officers to do the acts, specified therein in respect of the said land.

1. The Collector, South Goa District, Margao-Goa.
2. The Deputy Collector (L.A.), South Goa, Margao-Goa.
3. The Collector South Goa District, Margao-Goa.
4. The Director of Settlement and Land Records, Panaji-Goa.

6. A rough plan of the said land is available for inspection in the Office of the Deputy Collector (L.A.), South Goa, Margao-Goa for a period of 30 days from the date of publication of this Notification in the Official Gazette.

SCHEDULE

(Description of the said land)

Taluka: Salcete *Village:* Davorlim

Survey No./ Sub-Div. No.	Names of the persons believed to be interested	Area in square meters
1	2	3
16/1	O: Comunidade. O.R.: 1) Ashok Keshav Kamat. 2) Shantaram Krishna Sawant. 3) Vivek V. Naik Dessai. 4) Vassant K. Parwar. 5) Shivanand Vishram Rane. 6) Vaishali D. Katkar. 7) Mohan Viswanath Virdikar. 8) Mohan Tucaram Arlekar. 9) Maria Nancy T. Fernandes. 10) Bernadette J. Rodrigues. 11) Manohar Yeshwant Shirodkar. 12) Narayan A. Kundaikar-Lessee of 400 sq. mts. house plot.	120000

Boundaries :

North : City Margao, Road.
South : S. No. 6/1, 2, 3, 5, road
S. No. 18.

1	2	3
East	: S. No. 15/1, 20/1, 17/1, 2, 3.	
West	: S. No. 12/2, 13/3, 10/1, 2, 9/2.	
		Total 120000

By order and in the name of the Governor of Goa.

D. M. Redkar, Under Secretary (Revenue-I).

Porvorim, 27th November, 2009.

Notification

No. 22/37/2008-RD

Whereas by Government Notification No. 22/37/2008-RD dated 14-10-2008 published on page 835, Series II No. 31 of the Official Gazette, dated 30-10-2008 and in two newspapers (1) "The Navhind Times" dated 23-10-2008 and (2) "Goa Doot" dated 23-10-2008, it was notified under Section 3(cc) with reference to Section 3(e) under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (Central Act 1 of 1894) (hereinafter referred to as "the said Act"), that the land specified in the Schedule appended to the said Notification was likely to be needed for the public purpose viz. Land Acquisition for Taught to Teach Music School situated at Mapusa, Bardez-Goa.

And whereas, the Government of Goa (hereinafter referred to as "the Government") after considering the report made under sub-section (2) of Section 5-A of the said Act is satisfied that the land specified in the Schedule hereto is needed for the public purpose specified above (hereinafter referred to as "the said land").

Now, therefore, the Government hereby declares, under Section 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government also appoints, under clause (c) of Section 3 of the said Act, the Dy. Collector & SDO, Mapusa, Bardez-Goa, to perform the functions of a Collector, North Goa District, Panaji, for all proceedings hereinafter to be taken in respect of the said land, and directs him under Section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the office of the said Dy. Collector & SDO, Mapusa, Bardez-Goa, till the award is made under Section 11.

SCHEDULE

(Description of the said land)

Taluka: Bardez *Village:* Cunchelim

Survey No./ /Sub-Div. No.	Names of the persons believed to be interested	Approx. area in square meters
1	2	3

11/2 P	Comunidade of Cunchelim. Lessee: Shri Shreepad Rama Naik.	3,000
--------	---	-------

Boundaries :

North : P. T. S. 2/ S. No. 11.

South : P. T. S. 2/ S. No. 11.

East : P. T. S. 2/ S. No. 11.

West : P. T. S. 2/ S. No. 11.

Total 3,000

By order and in the name of the Governor
of Goa.

D. M. Redkar, Under Secretary (Revenue-I).

Porvorim, 30th November, 2009.

Department of Transport

Directorate of Transport

Notification

No. 5/9/90-TPT/2009/2839

In exercise of the powers conferred by sub-section (2) of Section 11 of the Goa, Daman and Diu Motor Vehicles Tax Act, 1974, the Government

of Goa hereby exempts Motor Vehicle No. GA-02/G 0001 and GA-02/G 0002 owned by Goa Industrial Development Corporation, EDC Complex, Patto Plaza, Panaji, Goa from payment of tax due to this State till the vehicles stand registered in their name.

By order and in the name of the Governor
of Goa.

Arvind D. Loliyekar, Director of Transport and
ex officio Joint Secretary (Tpt).

Panaji, 25th November, 2009.

Department of Printing & Stationery

Government Printing Press

Corrigendum

No. 5/4/2001-02/GPS/2939

Read: Order No. 5/4/2001-02/GPS/2830 dated
13-11-2009 published in Official Gazette,
Sr. I, II & III No. 34 dated 19-11-2009
respectively.

The revised price quoted at Serial Nos. 56 and
57 shall be read as Rs. 500 and Rs. 100 instead of
Rs. 50 and Rs. 5 respectively.

By order and in the name of the Governor
of Goa.

N. D. Agrawal, Director & ex officio Joint
Secretary (Printing & Stationery).

Panaji, 26th November, 2009.

www.goagovt.nic.in/gazette.htm

Published and Printed by the Director, Printing & Stationery,
Government Printing Press,
Mahatma Gandhi Road, Panaji-Goa 403 001.

PRICE—Rs. 30.00